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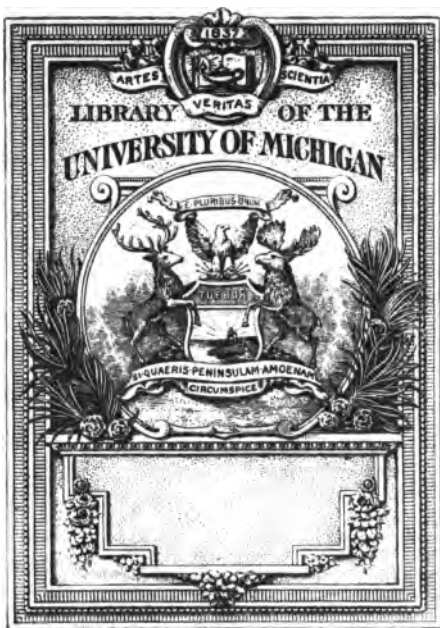
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TENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION
IN PHARMACY

1895

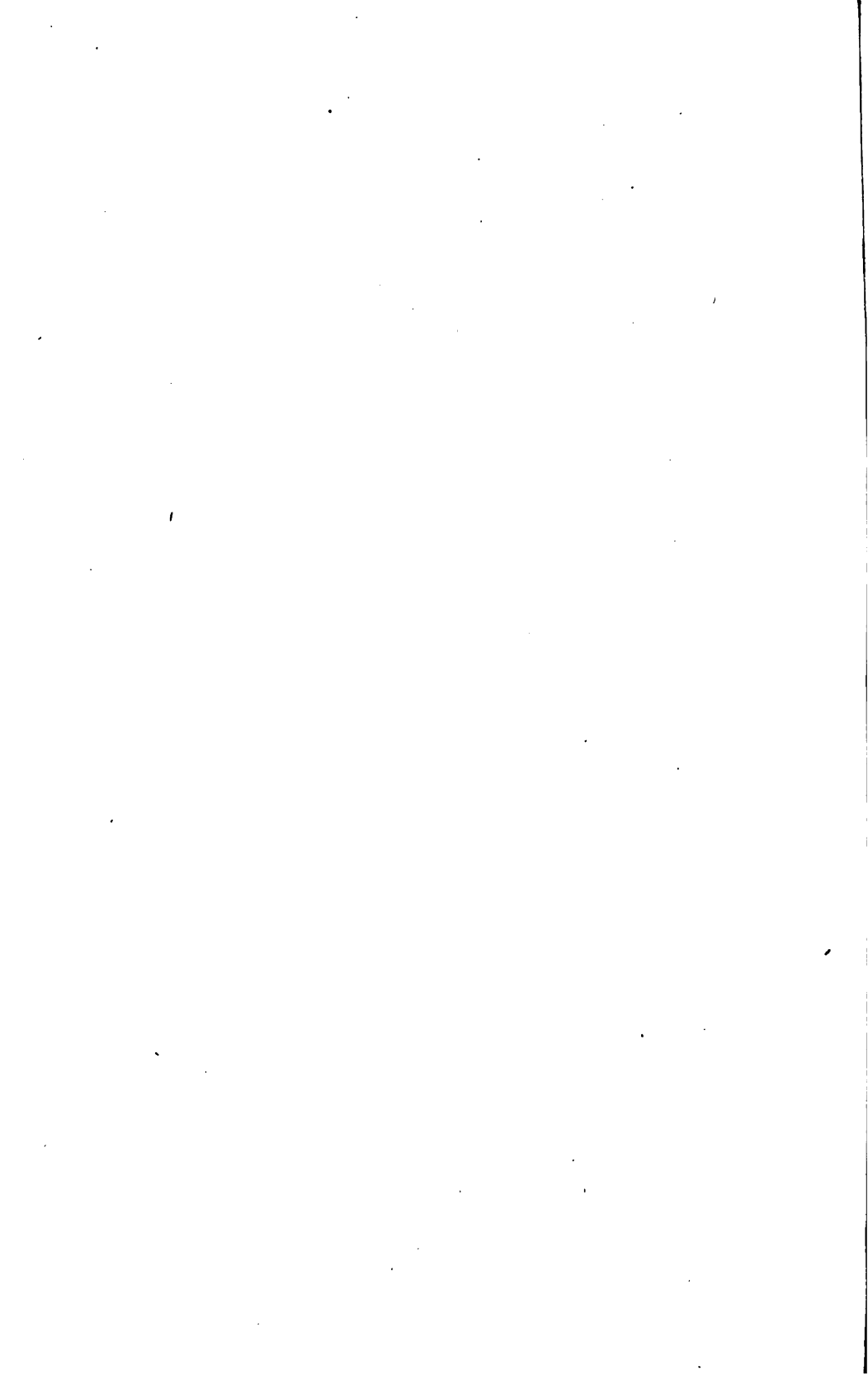


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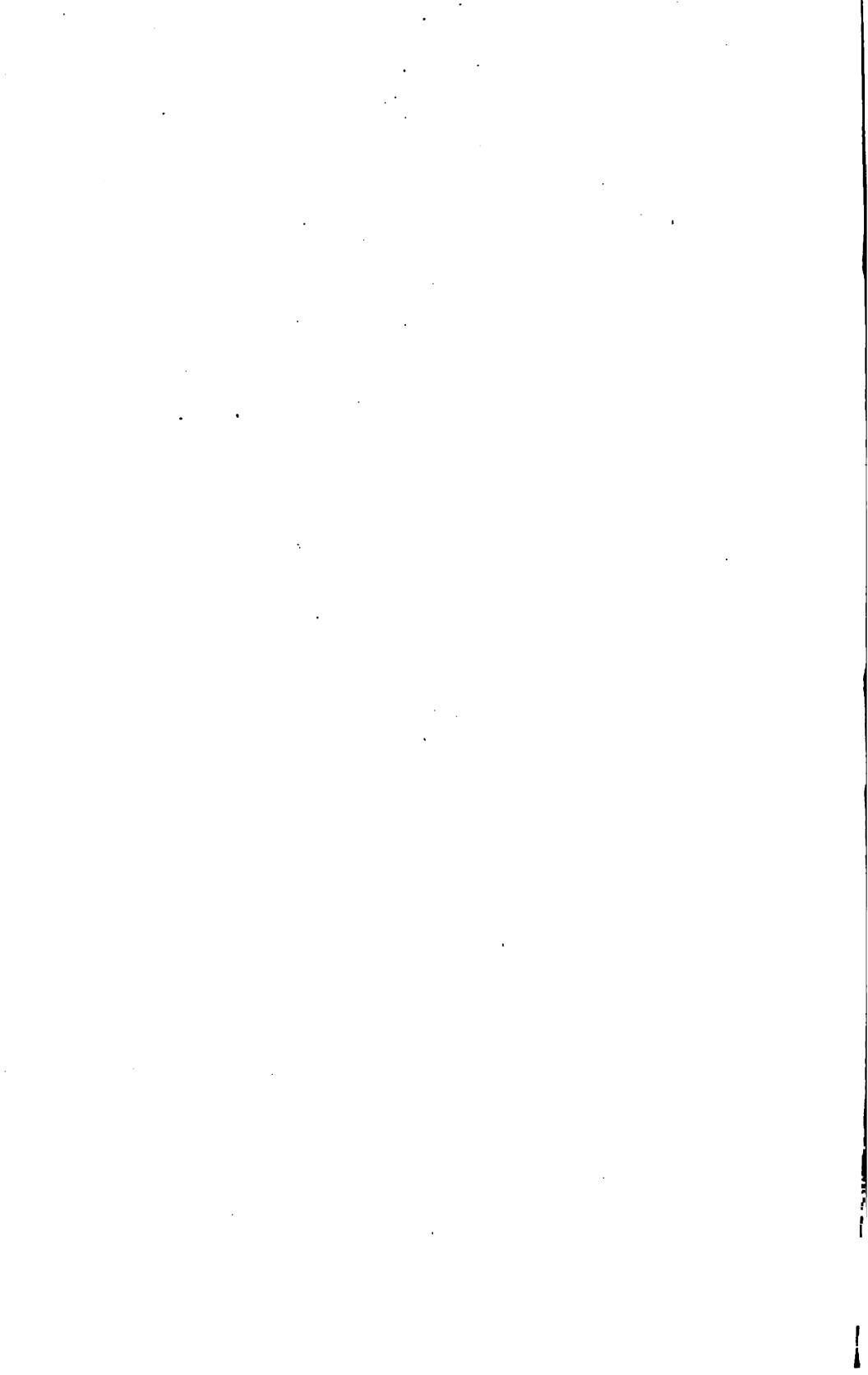
TENTH ANNUAL REPORT

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MASSACHUSETTS BOARD OF REGISTRATION
IN PHARMACY

FOR THE YEAR 1895.

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Commonwealth of Massachusetts.

REPORT.

Boston, Oct. 1, 1895.

To His Excellency FREDERIC T. GREENHALGE,
Governor of the Commonwealth.

SIR:—The tenth annual report of the State Board of Registration in Pharmacy is respectfully submitted for the year, from Oct. 1, 1894, to Oct. 1, 1895.

The law creating this Board says, “said Board shall annually report to the governor . . . the condition of pharmacy in the State.” It is with special satisfaction that this report, the closing year of the first decade of our work, is addressed to Your Excellency, because of your well-known and appreciated interest in the several duties placed upon us, and particularly those of 1894, namely, the control of liquor certificates to druggists.

To exhibit clearly the condition of pharmacy to-day it will be necessary to consider briefly the conditions previously existing, and present a summary of the work accomplished during the ten years.

At this time the writer may be pardoned for stating the fact that, since the organization of the Board in 1885, he has been annually elected as the presiding officer, but with very few exceptions has had occasion to exercise the right of a casting vote, so harmonious and united has the Board been in its many, varied, and of late exceedingly difficult, duties.

CONDITIONS AND CHANGES, 1875–95.

In 1875 the Legislature authorized the issuing of a fourth-class license to druggists for a fee of not less than fifty dollars nor more than five hundred dollars, ranging, in fact, from fifty to one hundred and fifty. Many refused to take

this license, for obvious reasons. In 1878 the sixth-class or special druggist's license, fee one dollar, was created. This license required a complete record of all sales, date, residence, kind, quantity, price, use and signature of purchaser. This was most just, wise and timely legislation; but then, as now, some bad, unscrupulous persons, defiers of the law, civil and moral, soon engaged in the drug business. The prohibition vote in some cities and towns caused in several places a general stampede from the closed saloons to a drug store, as a cover and blind for the liquor business pure and simple. Drug stores were increasing in number far beyond the needs or demands of the people. Ignorant, inexperienced men, mere pretenders, without the slightest knowledge of pharmacy or regard for honesty, opened stores so hazardous to the welfare of the people that the Legislature in 1885 established this Board, to check if possible this increase of fraud, deception and crime, and protect the people from the reckless and ignorant dispensing of drugs, medicines and poisons. The Board entered upon this educational work and control of increase by issuing, as required by the law, certificates of registration in pharmacy to all who had been in business on their own account or had had three years of practical experience. In 1887 this law was so amended that certificates of registration were granted to those only who could pass a satisfactory examination.

The following summary exhibits the work of this department during the ten years : —

YEARS.	Examined.	Passed.	Rejected.
1st year, 1886,	101	22	79
2d year, 1887,	167	70	97
3d year, 1888,	213	89	124
4th year, 1889,	276	135	141
5th year, 1890,	279	123	156
6th year, 1891,	315	115	200
7th year, 1892,	488	147	341
8th year, 1893,	544	129	415
9th year, 1894,	661	126	535
10th year, 1895,	494	103	391
Total,	3,538	1,059	2,479

(As an apparent result of the Acts of 1894, note the decrease of number examined in 1895. See permanent fund or examination report.)

This legislation was the beginning of good work, but as the cause of temperance or control of liquor sales advanced, the efforts to hide illegal sales of liquor behind the sign of the mortar and pestle continued to increase, and in some cases were most pronounced. To meet this condition the stringent laws of 1893, giving this Board power to suspend or revoke certificates of registration in pharmacy, were passed. Under this act the Board have suspended seventeen certificates and revoked eight. (For full particulars of this work, see detailed reports of 1894 and 1895, and agent's special reports.)

Strange and inexplicable as it may appear, the progressive efforts of temperance workers to control the sale and abuse of intoxicating liquor, particularly in the line of closing the saloon, were an additional incentive to make the gilded mortar and pestle a sign not of drugs and medicines, but of the "schooner" and "toddy stick." It is with much regret that we are forced to record the fact that some authorities have ruled that there was no limit under the sixth-class license to the number of sales, or the quantity, under five gallons at any one time. This elastic interpretation of the privileges of the one-dollar license is beyond our comprehension, and is surely strong evidence that the privileges should at once be clearly defined. (See evidence in liquor certificate hearings.) Again, many reputable persons maintained, as more convenient and less public, the right of getting their liquors for other than medicinal purposes at the drug store, claiming and insisting that, as well-known, reputable, temperance, law-abiding persons, there was no occasion to make a record of the sale, and that they certainly would not sign the book. This was too much for many a well-meaning druggist, who, from force of habit, and the custom of apothecaries to avoid contention, gracefully responding to demands made upon him, became guilty of a violation of his liquor license. The conditions at this time were exceedingly trying, difficult to handle and apparently impossible to correct, as they seemed to be approved by

worthy people. Again the Legislature, in its wisdom and loyalty to the Commonwealth, came to the rescue, and by the Acts of 1894, placing the control of the issuing of the one-dollar license in the hands of this Board, gave the war cry, "Hold to the law, or surrender." This was most severe and seemingly self-destructive work to place upon any Board. But, as usual, the law makers of Massachusetts were right; results prove it, and as in the past, other States in the Union are closely watching and waiting for the next step in advance. The corner has been turned, though it has taken ten years to do it. All honor and credit to the law makers who have made this possible, and particularly to Your Excellency are we grateful for your kind, encouraging and helpful words.

LIQUOR CERTIFICATES.

During the year, out of 1,282 applications for liquor certificates, 287 have been refused. One hundred or more rum drug stores have been closed up and gone out of the business. Several have paid heavy fines, some so-called druggists have been imprisoned, and many who had been of doubtful character have become reputable, law-observing, and so improved in reputation as to be in line for favorable action another year.

CONDITION OF PHARMACY.

The condition of pharmacy to-day in this State, as compared with 1885, is a long stride in the direction of a higher and special education; a more thorough practical knowledge and experience; advanced skill and ability to test, select, compound and dispense; a much wider range of therapeutic information; greater familiarity with minimum and maximum doses, antidotes, and the many and peculiar conditions which will always environ the pharmacist. The cloud which so seriously shadowed the universally accepted resort of all classes and conditions for aid, assistance and comfort, a refuge for immediate relief of accident or injury, the repository of all medical and surgical appliances, has by wise and judicious legislation been rent. The fear and apprehension of the pessimist "that the coming saloons, or the licensed bar rooms of the State, would be the drug store

of the future," have passed. Massachusetts does not progress that way.

To make the drug store, as is proposed by some in certain localities, the only place where intoxicating liquors can be had, may be wise a hundred or thousand years hence, should pharmacists become angels, or temptations be removed, and people become total abstainers. As this Board formulates its opinions from actual facts and recorded experiences of the past, they unhesitatingly and confidently assert that, with wise, conservative legislation, holding full control of this branch of public service, judicious enforcement of the laws by the Board of Pharmacy, the close of the second decade of its work will place pharmacy among the most healthful and beneficent professions of this Commonwealth, and in due time this line of work will be adopted and followed by every State in the Union.

SUGGESTIONS.

We suggest as important : —

First. That in chapter 472, Acts of 1893, in the last sentence of section 1, the word "fifteen" be changed to "sixty" or "ninety."

Second. Re-registration (not examination) shall be compulsory once in two years, at an expense to the applicant not exceeding one dollar; and that it shall be the duty of the Board to notify the registered pharmacist by mailing to his address, as recorded at the office, notice of the law requiring re-registration once in two years from date of certificate, and that application for re-registration must be made within thirty days of date of notice.

Third. A clear exposition of the rights and privileges conveyed by a sixth-class license, or the right and duty of this Board to determine its limits as occasion demands in individual cases.

Fourth. The right and duty of the Board to examine records of liquor sales; and, for neglect to make full and proper record with signature of purchaser, the positive duty to revoke the liquor certificate, which shall at once revoke the liquor license.

Fifth. That all certificates of registration in pharmacy suspended or revoked by this Board shall, upon demand, be placed in the custody of the Board; a failure to comply with this demand shall be punished by a fine of fifty dollars or imprisonment for thirty days.

Sixth. That in chapter 435, Acts of 1894, section 2, the words "one year from the date thereof" be changed so as to read "the last day of the following April."

As the Acts of 1893 and 1894 placed upon this Board unusual responsibilities, it must be apparent that a necessity exists for daily attendance at the office, prompt and most thorough investigation, demanding special care and all possible light to enable the Board to formulate opinions and judgment as to validity of complaints, "proper person" and "public good." We therefore suggest, and strongly urge, the necessity of an appropriation to this department of our work sufficient to secure such additional attendance at the office of members of the Board as exigencies may demand, and the employment of one or more special officers, invested with due authority to secure evidence and bring suits as the Board may direct.

PERMANENT FUND ACCOUNT.

This department, for which the Board was established in 1885, refers to and includes *examinations* only. Meetings have been held as follows:—

DATE.		Examined.	Passed.	Rejected.
1894.				
Oct.	2-4,	34	5	29
Nov.	13-15,	41	12	29
Dec.	11-13,	39	10	29
1895.				
Jan.	1-8,	34	10	24
Feb.	5-7,	42	9	33
March	5-7,	43	5	38
April	2-4,	45	8	37
May	7-9,	45	10	35
May	21-23,	42	11	31
June	11-13,	44	8	36
June	25-27,	45	7	38
Sept.	10-12,	40	8	32
Totals,		494	108	391

At four of the above sessions, when 46 were examined, not one was found qualified.

It must be remembered that in all our reports we give the total number of examinations, and not number of persons, for, as a rule, not more than twenty-five per cent. of those who receive a certificate obtain it on the first examination, some coming up many times.

During this year, of the 103 who received certificates, 28 passed on the first examination.

Recapitulation for the Ten Years.

YEARS.	Examined.	Passed.	Rejected.
1st year, 1886,	101	22	79
2d year, 1887,	167	70	97
3d year, 1888,	213	89	124
4th year, 1889,	276	135	141
5th year, 1890,	279	123	156
6th year, 1891,	315	115	200
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9th year, 1894,	661	126	535
10th year, 1895,	494	103	391
Totals,	3,538	1,059	2,479

It will be noticed that there has been a gradual *increase* each year in the number of examinations *until the last*, when, as before stated, the corner seems to have been turned. Why this sudden and large decrease in number of applications to become registered pharmacists in this Commonwealth? The answer is obvious; viz., the legislation of 1894, placing the control of the sixth-class license in the hands of this Board. To emphasize this view, we quote: "I have attended the college and worked hard to pass the Board, and now they are going to kill the best part of the business. I am out of it."

Difficult and disagreeable as is the law of 1894 for any Board to handle, it has proved to be the key of the situation, and the most effective if not the only method of meeting and correcting a serious and alarming tendency.

A few of the strange answers during the year : —

An applicant, when asked, "How many times has the U. S. P. been revised?" answered, "189," figuring or explaining that "if revised once in *ten years* it must be one tenth of 1894."

"Laudanum is a stearoptine, and obtained by the spontaneous evaporation of opium."

"Dose of opium half a drachm."

"Cinchona is a root."

In answer to printed query, "Enumerate materials required to make 8 oz. infusion of digitalis," wrote, "Stove and small kettle."

"One troy oz. of iodine oint?" wrote, "Graduate."

"One av. pound of cerate?" wrote "Scales, stove and kettle."

"The reason for cold process in making syrup of wild cherry is to prevent souring."

"Oleum Ricini is castor oil; an animal oil, and comes from the tail of the castor beaver, and I know what I am talking about." Also said, "Lycopodium was obtained from humulus or hops;" and "the antidote for nitrate of silver was epsom salts, because the salts are a good diuretic and keep the body in good order." This applicant had a very satisfactory paper, but his oral examination was fearful.

"Tartaric acid comes from the earth, is dug out in lumps."

"Cocaine, morphine, codine, are all from opium."

"Would give for a cardiac stimulant, phosphorus; for a depilatory, opium; for a sialagogue, slippery elm."

"Bromine is a liquid of alkaloid; Potass. Nit. is a volatile alkali; ingredients in syrup hydriodic acid are Hydrogen, Iodine and Syrup."

Another said they were "Tincture Iodine, sugar and water; Hypo, means squirting."

"Why are wedge-wood mortars so called?" "Because the wood of which they are made is very close."

"Laminæ is animal life."

"Argols are mined in Germany."

"Don't know the source of tartaric acid. Phosphorus is in the form of gas, exists in the air and gathered (don't know how), and cut into sticks."



One candidate, claiming three years' experience, in his written examination answered ten out of the twenty questions, and then added, "I will not take the oral to-day, but will wait until I am down again." His written examination was rated five out of a possible hundred; his drug examination, thirty.

"Castor oil comes from the leaf."

"Tartaric acid comes from argols, and argols from coal-tar products."

"Ammonia is obtained by firing horses' hoofs."

"The cost of two fluid oz. 4 per cent. solution of cocaine, if cocaine costs six dollars per oz., would be two cents."

"Camphor exudes from the tree, is now found in the earth where the trees grew."

That the examinations are practical, satisfactory and generally approved by the applicants, is shown by the following letters:—

1. "Your notification received, and am pleased, I assure you, to know I was successful. Gentlemen, I thank you for the kind treatment that I have received during my examinations." [Passed on fifth examination.]

2. "Your very welcome letter, stating I had passed successfully, reached me this A.M. And now let me tender my sincere thanks, first for your congratulations, and second for the esteemed courtesy always shown me by the Massachusetts State Board of Pharmacy." [Passed on sixth examination.]

3. "Am pleased to know that I am one of the fortunate ones, although woman's brain is a trifle lighter in weight than those of the opposite sex. Thanking you all for your kindness and courtesy to me, I am yours very truly." [Passed on first examination.]

FINANCIAL STATEMENT.

At the close of last year there was a net indebtedness of \$66.02.

Oct. 1, 1894, cash in hands of State Treasurer,	\$223 98
Received during the year from applications,	\$1,742 00
Received during the year for sixteen duplicate certificates,	16 00
Total receipts for the year,	<u>1,981 98</u>
Amount in hands of State Treasurer,	\$1,981 98

Drafts have been as follows:—

	Services.	Expenses.	
H. M. Whitney,	\$145 00	\$69 95	
F. H. Butler, secretary,	470 00	183 00	
John Larrabee,	175 00	35 57	
A. K. Tilden,	137 50	9 90	
John A. Rice,	172 50	202 83	
Total,	<u>\$1,100 00</u>	<u>\$501 25</u>	\$1,601 25
G. C. Cannon, engrossing certificates, etc.,		\$14 92	
J. L. Fairbanks, stationery and postage stamps, . .		39 95	
Vox Populi, printing examination papers,		3 75	
Wright & Potter Printing Company, postal cards and printing,		26 96	
J. H. Daniels, making certificates,		45 00	
Miss J. C. Butler, clerical service,		20 00	
		<u>150 58</u>	
Balance,		230 15	
		<u>230 15</u>	\$1,981 98
Cash in hands of State Treasurer,			\$230 15

Liabilities.

Examinations not made, from previous years, . .	\$162 00	
Examinations not made, from this year,	53 00	
	<u>215 00</u>	
Leaving a balance of		\$15 15
Possible liabilities of bills not rendered,		\$10 00

Model

SPECIAL ANNUAL APPROPRIATION DEPARTMENT (ACTS OF 1893), FOR ENFORCING THE PHARMACY LAW.

In this department of our work it is quite impossible to keep a tabulated or specific account of all the work accomplished. Complaints, verbal and written, come to the office, to the several members of the Board and to the agent, covering a great variety of conditions, and requiring special and oftentimes prompt individual action by the member of the Board to whom complaint has been made, or by the agent. There are on record at the office sixty-two complaints (in the liquor certificate department about one hundred, personally presented), some of which were of little account, some easily adjusted and corrected by correspondence. The number of places visited, investigations made and fuller details will be found in the summary of the agent's report. Some cases cited will exhibit very strongly the necessity of re-registration to avoid the certificates of those deceased, bought or stolen, being used by a depraved villain, who, for a consideration, will induce some weak, foolish person (in one case a colored boy) or victim of misfortunes to assume the name upon the certificate of registration thus obtained; then open a drug store, deceiving the public, defying the law and trying to cheat this Board and the license commission. We note with much satisfaction one case where the principal and tool were each fined one hundred dollars and imprisoned three months for the fraud; and, upon the charge of keeping a liquor nuisance, the principal was fined one hundred dollars with three months' imprisonment, and the assistant sixty-five dollars.

HEARINGS.

During the year the Board have held thirteen special meetings, with the following result: two certificates were suspended for one month, one for three months, one for four months, six for six months, three for twelve months and *four were revoked altogether*; one case was dismissed with reprimand, two cases dismissed as the charges were not sustained, three were severely reprimanded and placed

on file, two were continued for another trial. One case of suspension for six months was removed at expiration of four months; one man was granted a hearing upon petition to be reinstated, but was refused; in four cases, where in all probability the certificate would have been revoked altogether, the men have left the State and notice cannot be served upon them. We have now nine cases waiting the action of the Board.

Owing to the fifteen days' limit in section 1, Acts of 1893, we have failed to correct several bad cases, as the facts were not reported until the fifteen days had expired. That limit should be changed to sixty or ninety days.

An account of the many minor cases that have come before the Board and received due consideration with such remedial action as seemed to be required we do not deem of sufficient importance to note. We do, however, feel justified in saying great good has been accomplished, and quote the following facts from our records, exhibiting the necessity of the law, and we submit, corrective and not abusive action.

First.

Hearing of — of —, at Boston, June 21, 1895, at 9.30 A.M., on formal complaint made by Mr. Harris for violation of the law relating to the sale of intoxicating liquors and misuse of his certificate of registration in pharmacy.

Mr. Harris, sergeant of police, and defendant, sworn.

Formal complaint read by Mr. Whitney, after which he asked: Mr. —, do you plead guilty, or not, to these charges? A. I plead not guilty; on the contrary, I deny them.

Mr. WHITNEY. Mr. —, in order to know what you have to meet, I will have Mr. Harris and the sergeant make their statements.

Mr. HARRIS. I went to this place of business in — last Monday forenoon; on nearing the premises, I saw a wholesale liquor dealer's team with two men at the door; I waited some time; I saw them carrying in and bringing out jugs; on their driving away, or just before they drove away, Mr. —, the defendant, went out and said something to them; I was not near enough to hear what he said; they drove away and I entered the premises. I said, "Is this Mr. —?" He said it was. I asked, "What did that team leave here?" He said, "I don't know as I will answer your question until you give me the authority." I told him I was the

agent for the Board of Registration in Pharmacy; that complaints had come to the Board in regard to his place, and I had come to investigate the matter. He said they left a jug of alcohol. I went around behind the prescription counter, and over on the counter sat a jug of alcohol and a jug of whiskey; on the floor sat another jug of whiskey; also on the prescription counter there was a bottle of whiskey. In a drawer directly underneath, which contained some corks, were two whiskey glasses, and the corks were wet. In reaching around the prescription counter, there was on the show case another whiskey glass containing about a half teaspoonful of whiskey. In answer to how it happened to come there, he said he had just had a drink himself. I looked to see the number of prescriptions that had been compounded since he had been there, and found six. I said to him, "How did you happen to come here?" He said he bought the place out; that he took a bill of sale of the premises, but he had learned that there was a mortgage for twice as much as the actual value. I said to him, "Then the mortgagee had better take it up; you would be money in." He replied that he did not know what to do. I asked, "How did you come to this store?" He replied, "By request of this Mr. —," and stated he came under a contract of fifteen dollars a week, but that he was ready to get out then if I said so; he had found out that the principal business was rum, and was ready to go right away. I told him that it was out of my jurisdiction to give him any advice; that he had had no consultation with us about going there. He stated he had been putting his time in there on the premises. I asked, "How can you put your time in here when you are a physician, and are advertising yourself as a physician, having an office on — Street, Dr. —, office hours from 9 to 11, from 2 to 5 and 7 to 9?" Well, he said, he had been there most all the time.

Yesterday I called upon him and served the notice to appear before this Board; he said he would be present. This store is owned by —, who are liquor dealers and are licensed on — Street in —; it is the same store that we were called to attend to last fall, when they had a man there by the name of — with his certificate, and he went off up to New Hampshire; the reputation of the place has been bad right along.

Q. (By Mr. WHITNEY.) Mr. —, would you like to ask Mr. Harris any questions? A. Except to say that the glasses were not wet, nor the corks; they had been there a fortnight, and had not been touched.

The sergeant testified as follows: The first time I came in contact with Mr. — he was acting as clerk for — on —

Street in —, about two years ago. Mr. — was formerly a saloon keeper, and on being refused a license opened a drug store, and when the officers were raiding in the — end, in passing by this store, I saw the defendant reaching up a shelf and taking a bottle down; he poured something out and passed it to a man who was sitting at the soda fountain. I immediately went to this place with my officers, and when he saw me he grabbed the glass and threw the contents into the rinser; I reached up the shelf, took the bottle down, and it was whiskey; the mark or label was not on the bottle, however. He said, "You did not see me take any money." I said, "It is not necessary." I left and reported the matter to the chief. He left — and opened a store on the opposite side of the street; after running it for some time he moved on — Street; when he was there it was a resort for drunken men who loafed around; it got so that we were obliged to raid the store; when we went in Mr. — was behind the prescription case; he came to the front, and when he saw who it was, went to the soda fountain; I followed him up; there were two glasses with beer, some empty bottles underneath, and he explained by saying that he had just had a glass himself. The number of sales on his book and the number of empty bottles did not correspond. Our chief did not think we had enough of evidence to bring him up. Shortly after he closed the store and went to — Street, and there I believe he lost his fixtures; they were mortgaged and the mortgagee foreclosed. He then opened a doctor's office at the corner of — streets with office hours as stated by Mr. Harris. About three or four months ago he went to this man — place at No. — Street. Mr. — owned it as a member of — & —, and had his brother, who is studying medicine or pharmacy, take it in his name. The bottles were all labelled —. I searched the place once, but found no evidence of liquor-keeping. Last Sunday night one of my men sent in a drunken man from No. — Street; there was a full half pint of liquor in his possession; my man told me he arrested this man coming out of that store; that is all I know about the case.

Q. (By Mr. WHITNEY.) If I understand you, sergeant, you did not know this man until 1893? A. No, sir; I did not.

Q. How long have you been an officer in —? A. Eight or nine years. I did not know Mr. — personally; he was formerly connected with some drug store in — district.

Q. Then you wish to convey to the minds of this Board that during the past two years you have known Mr. — he has been, to the best of your knowledge and belief, engaged in illegal selling of liquor? A. It certainly is so.

Q. And that he has not been a law-abiding citizen? A. I would say not.

The defendant testified as follows: When I came to Massachusetts, four years ago, I had been forty years in the drug business; up to that time I never had occasion, or never was in the business as a rum seller, and did not expect to be then; it was new to me. I began my business in — as a printer; I worked for nearly two months with the firm of —, and as soon as the work ran out I was necessitated to do something else, and, having been in the drug business all my life, I then became acquainted with —, who recommended me to go to —, and as soon as I went there, found I could not take the situation until I was registered; I applied to the Board of Pharmacy, May 29, 1891; I came and passed the Board and held the situation with — for two and one-half years; in 1893 I conducted business under a liquor license, and to the best of my ability kept within the law; I was not aware that I had been doing anything wrong.

Q. (By Mr. WHITNEY.) For how long a period? A. From April 1, 1891, to Oct. 1, 1893.

Q. Was Mr. — a registered man? A. No, sir.

Q. After you were registered you went to this liquor store? A. It was not a liquor place; it was a drug store.

Q. And he did sell drugs? A. Yes, sir.

Q. Did he sell groceries? A. No, sir.

Q. Drug store, pure and simple? A. He kept candy, cigars, soda and things that all drug stores keep. I came to this country an entire stranger, and was not aware of the peculiarities of the business in this State; I had no idea rum selling was a part of the drug business, because where I came from liquor is not connected with the drug stores in any shape. At the end of September, 1893, I left Mr. — because I did not feel like conducting the business in that manner. I thought I could conduct a business for myself.

Q. (By Mr. WHITNEY.) You left him because he sold liquor by the glass? A. No, sir; not by the glass. I objected to that, and all the sales I entered on the book for that purpose.

Q. Not liking his manner of conducting business, you opened a store for yourself? A. Yes, sir; on — Street. I was there six months on the — side; it was a very small store, and I had hard work to get along in it; there was a larger store for rent across the street, and I thought I could make a good business of it. I did not succeed; the rent was too high, and competition from druggists on each side who were doing a larger business than I did in the same line.

Q. (By Mr. WHITNEY.) Which store was it, the first or second, the sergeant refers to, when he saw you taking liquor from the shelf, and when you saw him coming, turn it into the rinser? A. That was not my drug store; it was the store of —. The sergeant is a little off on the date.

Q. Give us the date when you opened the first store? A. Dec. 23, 1893.

Q. And you stayed there six months? A. Five months, until the 9th of April; then moved on the other side of the street into a larger place; opened as well as I could and did a decent business; did a respectable drug trade.

Q. Did you have a license in either place? A. Not in the first place, because I did not sell any. When I got into the other place I applied for a license and got it.

Q. Did you sell liquor? A. Yes, sir; under the usual restrictions, not to be drank there at any time.

Q. And even with the advantage of a license you could not make it pay? A. No, sir; I got in arrears and had to get out. I went to the mortgagee and told him he had better take the things. That took place the 15th of November, 1894. I then opened an office and tried to make a living as a doctor; I did not get enough patients to pay for the water I used. I had been out of work during the winter and had to do something to get a living; when they came and offered me fifteen dollars a week to run that business I did not think I could afford to neglect the opportunity to provide for law of nature. Whatever may have been said about the business, I can say, without falsifying, I have conducted that about as near right as a man can do; I did away with the drinking altogether. I made the excuse that I would not sell anything to be drank on the premises nor recognize the liquor business at all.

Q. Was that drug store licensed? A. No, sir; I applied for license, but was refused. They wanted to sell to me; there was no other drug store around there, and I thought it would be a good stand; I had all the agreements made, but when I came to make my first payment I first went to the city hall and searched the records. I found — had mortgaged everything for more than the stock was actually worth. I then went and told him I would have nothing to do with it at all.

Q. Did the mortgage cover, in round numbers, six hundred dollars? A. Five hundred and forty dollars. I was willing to give five hundred dollars.

Q. That included stock and fixtures? A. Yes, sir.

Q. Soda fountain? A. No, sir; small stock, candy, cigars and patent medicines.

Q. Now, Mr. —, did you not make a false statement when you made application to this Board and stated you had five hundred dollars invested in drugs, medicines and chemicals? A. Possibly, if you put it that way, it was not the exact truth.

Q. What was your age when you came to this country from Canada? A. I am fifty-nine now; would make me fifty-four at the time I passed the Board.

Q. You never had a diploma as a physician, or an education as such? A. I was for several years connected with public institutions in London, and had all the knowledge I needed; I never especially passed as a physician. I passed as a pharmacist here, twice in Canada and once in New Brunswick.

Q. Will you explain to the Board how it is that by your conduct, as you claim, a law-abiding citizen, you should have acquired such a reputation as the sergeant says you have acquired during the last two years? A. Simply from my association. I came to Worcester looking for work, and was not acquainted with the ways of the people.

Q. Do you mean to say to this Board that a man fifty-nine years of age has not arrived at that point to discriminate between right and wrong? A. Circumstances were different. I came from a place where druggists are not in the habit of doing what they do here.

Q. You recognize the fact that every man should know the law of the State in which he lives? A. Yes, sir; but I certainly did not understand it. It is very easy for a man to get a bad name, but not always easy to refute the assertion.

Q. Now I want to get back to that bottle you took from the shelf that the sergeant referred to, was that whiskey? A. So the sergeant says.

Q. What do you say? A. I don't deny it, but I did not sell it.

Q. Will you explain to the Board what the whiskey was that Mr. Harris saw coming in the store; what it was to be used for, when you had no license? A. The alcohol was for the business; the whiskey is there. I always kept a gallon or half gallon in the store; sometimes people come in and ask me to prescribe for them; I have done so once or twice; was not aware it was wrong.

Q. Are you not aware that the law regulating physicians is very severe? A. Yes, sir; but I am through with it now.

Q. You have a bill of sale of the stock of goods? A. It was all ready, but before making payment I went to the city hall.

Q. The statement you made when you sought application was a false one? A. No, sir; it was after I made this statement that I found out about the mortgage.

Q. You made this purchase on paper, and paid no money? A. That is it.

Q. You said, if I recollect, when you came to be examined, you had a son you were aiding and who was going to open a drug store, or something to that effect? A. I said I had a good chance for a good situation myself; do not think I said anything about my son.

Q. I understood you to say you came from England? A. I came from London in 1869, and went to Ottawa, Canada; was there seven years and then moved to New Brunswick; was fourteen years there.

Q. How much did your drug business amount to a day? A. About seven dollars.

Q. Do you see any special necessity for a drug store being established? A. I think in that part of the town a man could conduct a nice business; it is a large locality.

Q. By implication, you did not do a nice business there? A. It was a matter of impossibility to tell how to do business without the liquor. I stopped all the drinking, any way; in fact the returns fell off from eighty dollars to less than fifty dollars.

Q. From your own admission, it was a bad place, and you allowed your certificate to keep it alive? A. No, sir; it took the life away, because I stopped the sale of that sort of thing and made it unprofitable for them.

Q. Your rent was how much? A. Twelve dollars a month.

Q. Cost something for light? A. Light and fuel, three dollars a month.

Q. Then the paper, twine, etc.? A. Forty or fifty cents a month.

Q. Then you could live on that and support your family? A. I had to.

This man's certificate of registration in pharmacy was revoked altogether.

Second.

Case against a registered pharmacist in the employ of a former liquor dealer. Defendant represented by eminent counsel. Complaint was read, and complainant and defendant sworn.

Complainant testified that during the fall he called at this store and found lager beer in the back room; called the attention of the proprietor and clerk to the same; notified them that such things

must not continue. Later he called at the store again, and the clerk rushed into the back room. "I followed him and found four men there, two of whom had glasses in their hands, drinking; the clerk grabbed all the liquor and glasses and dumped them into the sink; I asked him why he allowed this to go on in this way; he said he had to get a living; that he got fifteen dollars a week."

Defendant testified, said he had worked in this place nine months; that he did not engage to attend to the back room; that he was paid fifteen dollars a week and a commission amounting to two or three dollars a week extra. When asked why he gathered up these things and threw them into the sink, said, "I was waiting on two customers, and did not go into the back shop to stop it before." He was asked, "Did the commission include the profits on the liquor?" "Yes, I suppose so; I admit it was wrong; I did not realize that I was using my certificate for an unlawful purpose; I told the proprietor that I must leave the store, as I did not wish to risk the loss of my certificate of registration; he offered me an increase in salary, and I remained. I opened a store on my own account later, but failed and lost all my money. I have a wife and children, and ask for leniency from the Board."

This man's certificate of registration was suspended for twelve months.

Third.

Defendant appeared. Complaint was read. Defendant admitted the charge was true, and stated: "When I engaged in this store I was hard pressed for a situation; I did not like that method of doing business, and wanted to get out, but my partner did not want me to. We have sold liquor to be drank on the premises."

The defendant was then duly sworn by the president of the Board, and stated: "I will not in the future ever sell without my pharmacy license, nor more than five or six a day, and as the law allows; we did make fifty or sixty sales at least on the Sunday in question. The liquor license has been surrendered to the commission."

As this was a case of liquor selling on Sunday, punishable by law, and as the authorities had not brought suit, the matter was placed on file with a severe reprimand.

Fourth.

Another case, similar to the above, charged with illegal selling on Sunday; defendant admitted making eighteen or twenty sales on that day. "When I was caught, I did not ask the man what

he wanted the liquor for ; did not ask him to sign the book, as it would have been evidence against me for a Sunday sale ; have given up my liquor license."

This case was beyond our jurisdiction.

Fifth.

Defendant sworn ; charges read. The defendant pleaded guilty, and said : " I know I have done wrong, and am guilty. I have previously been in several other stores where they sold liquor ; sold by the bottle and did not ask purchasers to sign ; sold also on Sundays ; sold by the glass, and in one of the stores there was dice shaking for drinks. Ten barrels of liquor were probably sold in this place during the year. In one store we sold two or three cases of lager a week ; some days two cases a day ; sold for drinking purposes by the bottle. I received twenty dollars a week as salary ; I stayed in this place to help out my folks, as they were poor ; had about one prescription a day. Worked in another town and sold liquor there. In another town where I worked four months no liquor was sold. I attended college, but did not go through."

Police officer testified in relation to the defendant's present location ; said : " In license time they used to buy lager by the cask and bottle it themselves ; the store has had the reputation of doing a large liquor business and is one of the worst places in the town. Since this young man came there the store is open less on Sundays. Have seen people go in there who were drinking men. I have been a police officer on that beat for three years ; complaints have been made to the marshal, but no prosecutions have been made."

Sixth.

One interesting case heard in January, 1895, where the defendant was forced to admit continued violations of the privileges of the sixth-class license covering a period of several years, but had in every case escaped conviction. Most earnest pleadings were made by his counsel, almost if not quite promising to be surety for his good behavior if leniency be shown, and with positive assurance that a slight penalty would be sufficient to meet the ends of justice. As the man had lost all his money, and the family connections were somewhat dependent upon him, it was voted by the Board that his certificate of registration be suspended for thirty days, with the statement that the second offence would result disastrously.

On the following eighth day of June this man was convicted in the superior court and sentenced to pay a fine of one hundred dollars ; and on June 28 his certificate was revoked altogether.

Seventh.

A Mr. —, with whom the Board have had a good deal of trouble, having been before them with counsel on two previous occasions, and leniency shown him, was again summoned before the Board. He appeared in person, without counsel, admitted his guilt, suggesting a suspension for twelve months, agreeing to get out of the business until he could give satisfactory assurance of better conduct.

His certificate of registration was suspended for twelve months.

FINANCIAL STATEMENT FROM OCT. 1, 1894, TO OCT. 1, 1895.

Services and expenses of the Board, including daily attendance and records of the office and special duties of the president, telegraphing, telephoning and special trips,	\$965 79
Services and expenses of S. B. Harris,	799 64
Services and expenses of J. B. Learned,	94 50
Services, clerical, stenographer, Miss Bihler,	50 00
Stationery, postage, etc., estimated,	50 00
Total,	\$1,959 93
Vouchers in detail at auditor's office.	

LIQUOR CERTIFICATES TO DRUGGISTS (ACTS OF 1894).

Applications received from Oct. 1, 1894, to March 1, 1895, to expire May 1, 1895,	64
Granted,	51
Refused,	13

Of the 64 applications received, 28 were held for careful investigation, as our records indicated a doubt.

Applications received to Oct. 1, 1895, to expire May 1, 1896,	1,218
Granted,	944
Refused,	274

Of the 1,218 applications received, 447 were held over for more positive and definite information, involving in some cases three or more "investigating circulars," special investigation by our agent or a member of the Board.

For the full year from Oct. 1, 1894, to Oct. 1, 1895, we have received 1,282 applications; we have granted 995 certificates and refused 287. We have mailed or given out about 600 investigating circulars and received 450.

Upon mailing notice to applicants of complaints being received against them, 87 have made formal appeals for further investigation, charging malice or misrepresentation of facts. Out of the 87 cases reinvestigated, the Board found reasonable ground for granting 37 certificates, and in the remaining 50 cases reaffirmed previous action.

Many personal appeals or inquiry have been made at the office for cause of refusal, and when the records of the office were stated the applicant became apparently satisfied that it would be wise to make a better record before pressing his case.

FORMAL HEARINGS.

While the law does not specially provide for hearing evidence and arguments to change the action of the Board, we have felt the Legislature did not intend we should be autocratic or belligerent, but, if a reasonable doubt existed, to give the applicant the benefit of it. We have, therefore, granted 92 hearings, many of the applicants bringing witnesses and distinguished counsel. Out of the 92 cases 11 succeeded in establishing a reasonable doubt, and certificates were granted; 81 signally failed; and in many cases the sworn testimony was such that counsel and witnesses heartily approved the action of the Board in refusing the desired certificate. We have on file over 63 typewritten cases, but submit only brief extracts from a few particularly bad ones.

In the following, from which extracts have been taken, care has been exercised to avoid facts that would locate the several parties. If, however, the testimony quoted is recognized by the person who gave it, and by him divulged or made known, the publicity will be no fault of this Board.

We also wish it distinctly and clearly understood that the sworn testimony concerning commissions paid to physicians is, in the opinion and experience of this Board, confined exclusively to a certain class of drug stores and physicians, and is not the rule; and that the recent law regulating the practice of medicine in this State may and should correct this evil.

First.

Chief of police testified: "Examined books of the applicant during license period, and found they would not show more than fifty or sixty sales a day; on holidays more." When asked if there was more sickness on holidays than usual, answered, "No, but had more calls. My general impression is that other stores were doing about the same, in some cases more. Appearances were against this store as to sales being made on the premises, as a good many people were going in and out of the back door; but on making inquiry in regard to this, they said they only did it because it was more handy. Other appearances against the store were crowds about the back and front of the store, but found they had come from a club room or back street stores. One or two apothecaries are very particular, and never allow crowds about their place, and don't think their sales would amount to as many. I directed the applicant to shut up the back door and avoid the appearance of evil. This store had less liquor on hand than some others. I had watched this store on account of complaints having been made that they were making pocket sales; caught a man, but found he did not get his supplies from this place."

The applicant testified, corroborating the statement made by the chief of police, and stated that his sales amount to twenty-five or thirty dollars a day. On figuring up the value of his liquor sales, it was apparent that they were two-thirds of his business. For more particulars of this case, see letter published in full, marked [A].

Second.

"At one time there was some talk regarding my sales, and I inquired of the board of selectmen, who gave me to understand that I had a right to sell up to four and seven-eighths gallons, provided the sales were registered; also said I could sell beer by the case."

Q. (By Mr. WHITNEY.) Do you mean to say to this Board, under oath, that the dollar license contemplated that you should sell beer by the case, alcohol by the four and seven-eighths gallons?
A. That is the way I understood it.

Q. I ask you, as a citizen and as a resident pharmacist of Massachusetts, if you believe a one-dollar license gave you that privilege? A. I did think so; I may have been wrong; thought it was all right.

Q. Is that not wholesale business? A. Not at four and seven-eighths gallons; over five gallons would be.

Q. If for no other reason, your statement of that thing alone totally disqualifies you as a proper person. What connection have you with the store at —? A. Have one-half interest; had the whole up to this year, and this year Mr. — was given one-half interest.

Q. Has Mr. — put in cash, or have you taken a mortgage? A. I have taken a mortgage, and he has given me his note.

Q. No money has passed? A. He agreed to give me money in this way, — to pay so much a month, and of course I thought I would take security to that effect.

Q. But the title of the whole property stands in your name as investor and mortgagee; that is to say, he has no title and has paid you no money yet? A. I have taken his note.

Q. He has no money? A. No, sir.

Q. How many of these fifteen years that you have been in — have you had a license? A. Every year.

Q. What has been the amount of your sales of alcohol in your place during the past two years, about? A. Five or six barrels.

Q. Who have been the consumers? A. Polanders.

Q. Do they make whiskey different from French people? A. Don't know how French people make it; never drank any of it.

Q. Do you know how Polanders make it? A. Have been told they reduce it with hot water and put some sugar in it.

Q. Give us an idea how much whiskey you have sold during the last two years; want to see if your statement and our records compare. A. It would be pretty hard for me to say; I have sent some of the goods I bought to the other store; would be hard to estimate altogether.

Q. You carry how much altogether of stock of liquors? A. Probably eight or ten barrels.

Q. Do you bottle your own ale or porter? A. No, sir; four years ago I did bottle my own; have not since.

Q. Do you keep lager on your premises now for retail sale? A. Have not for two years past.

Q. You do some prescription business? A. Yes, some.

Q. Three or four a week, perhaps? A. Yes; perhaps a few more.

Q. The doctors are frequently in and out the store, buy medicines, etc.? A. Yes, sir.

Q. Do you show them any courtesy, or pay them commission on the business? A. Yes, sir.

Q. About how much? A. About twenty per cent.

Q. You give them cigars occasionally? A. I don't, no, sir.

Q. If they should say, "Mr. —, I would like a little whis-

key or brandy," would you object? A. I would not give it myself; they might help themselves.

Q. Do you mean to say, under oath, no physician has ever been in your store during the past two years and drank a little whiskey or brandy? A. I have not helped them myself.

Q. You don't mean to say that it has not been done? A. They probably have.

Q. What proportion of your liquor sales has been recorded on your books, as required by law? A. Could not say.

Q. Have you recorded half of them? A. Yes, sir; whenever I have been there I have done it.

Q. Did you bring your books with you? A. The clerk I have had right along I had to let go, as I found out he was not what I thought him to be; he has the books put away; I have one here since April. [Produces it]

Q. You have given the Board something of an idea of how you have conducted your business during the past two years; is that a fair sample of what you have been doing during your fifteen years' residence in —? A. I may have been a little more slack, but for the last two years I think I have been living up to the law more than I ever did before.

Q. You have, then, during the past two years, been a little more careful than you previously were? A. Yes, sir.

Q. In other words, you sold more liquor during the first thirteen years of your business than during the last two years, and have somewhat reformed? A. Yes, sir.

Q. You never have sold liquor to be drunk on the premises? A. I have before two years ago.

Q. Sold considerable? A. No, sir.

Q. This book which you have brought down here represents a correct record? A. So far as I could trust my clerk.

Q. You recognize the fact that you are under oath, I take it, and all the answers you make are matters of record, and you understand the penalty of perjury; are these dates here all correct? A. Yes, sir; so far as I know.

Q. Did you not state a little while ago you had made no sales of beer? A. Yes, sir.

Q. I have here, under date of April 15, 1895, six bottles of beer. A. That is unbeknown to me.

Q. I turn here, April 15, 1895, and then April 16, 1895, three bottles of beer; go on a little farther, under the 17th, one dozen beers; turn over the 18th, three bottles of lager beer, and so on? A. That was done unbeknown to me.

Mr. WHITNEY. I want to call your attention to the statement you made in regard to your views of the privileges of a sixth-class license, which positively forbids the Board to consider you a proper person. Now, if a man knows no more about his business than to permit the sales as I have read them here to be made day after day, that matter alone is evidence that you are not a proper person, aside from the fact of your violating the law. Allow me to suggest to you most kindly, when you take advice upon questions affecting you as this liquor question does, that it be from men who have a little honesty, and are not seeking the dollar from your pocket to enrich their own. If a man wants to sell you five barrels of whiskey, his advice is one thing, but is no excuse for the wholesale business you have been doing. Our records previous to your coming before this Board had been bad enough, but you have given us more facts and a clearer insight to the illegal business you have been doing than we were aware of. You have degraded the calling. You and those like you have caused this law, and you know it. This Board, if they should grant you a certificate with which to obtain a liquor license, should be turned out of office in less than twenty-four hours; and if I found myself guilty of signing a certificate for you, the next thing I would do would be to ask the governor to remove me.

Third.

"I have an apology to offer; that is why I am here to-day. After leaving college, I entered the employ of a druggist and never did any work outside of that excepting that of practising medicine a few months, which I always claimed helped me, and I posted myself on medical properties. I wanted to go into the drug business, and was called back to — by Mr. —, who had just bought a store and wanted an experienced man to take hold of it; I stayed there until I thought I had money enough to start for myself. I had a good opportunity, and I started with good intentions, but unfortunately you know in — drug stores started up everywhere during no-license time, and through the sharp competition of those new drug stores that sprung up we were forced to do more liquor business than we wanted to do. In fact, as things run in — it is hard to get along. In order to get prescriptions from the doctors you have to give them all the way from twenty to seventy-five per cent."

Q. (By the BOARD.) Do you mean to state to this Board, under oath, that in order to get physicians' prescriptions in — you pay, and it is the common custom to pay them from twenty to seventy-five per cent. of the receipts of every prescription they send

you? A. I will tell you my own experience. I have had to pay from twenty to fifty per cent. to doctors out of my profits. The doctor would come around the first of the month and look up his prescriptions, and I would deduct the cost and then give him from twenty to fifty per cent. of the profits; and my belief is that I have lost a great many prescriptions by not paying them as much as my neighbor druggist. One of the leading doctors told me himself, and showed me his books, that he was getting most of the profits from his prescriptions sent to such and such a place. He said, "I think more of you as a druggist than those parties, but I am in it for money, and they pay me more than you are willing to pay." For this reason I have lost lots of trade. That is under oath, and I insist it is true.

Q. Did the physician who told you that, or any other physician, demand from you occasionally a drink of liquor in your store?

A. No, sir.

Q. Never did? A. No, sir; none of the doctors have ever asked for a drink of liquor in my store; one asked me for liquor to be brought to his house.

Q. Did he pay for it? A. I charged it to him.

Q. Do you know, or is it your impression, that physicians go to drug stores and get a little liquor when they are tired, and it is furnished them? A. I think such is the case in some stores; that is my impression; I don't want to say it is a fact, although I do know of one store in particular, a common place for doctors, lawyers, etc., to go in and have all the drinks they want, from lager to champagne; this is a fact, as I have been there and seen it myself.

Q. Do you think you are performing your duty as a citizen of — and a resident of this Commonwealth to permit such a thing to exist and not make it known? A. Well, I don't believe it belongs to me to call out names.

Q. Then you would feel justified, if you should see your neighbor's pocket picked, to let it go on without saying anything?

A. I don't believe there was any harm done except to the law; to no man's family and no man's body.

Q. Did it not hurt you, or injure your business? A. Not that I ever knew; I never felt it.

Q. Then the injury to you has been small, when other people have been willing to do more? A. I don't believe I should have the patronage of those people any way, because they are not so near, and their influence would not be so that they could throw much trade to my store, although I am on good terms with all of them.

Q. How does it happen that somebody else should have been selected by these people than you? A. I am aware of one thing, that my reputation is not good; but I have yet to find a man that can come to my face and accuse me of such and such a thing. I believe from the bottom of my heart that these laws have been made to protect a legitimate druggist; and I believe, if we had had this protection five or ten years ago, I would not have been to this trouble; anybody, particularly in —, that wanted to start up a drug store, would do so.

Q. What amount of liquor business have you done? A. I am not prepared to answer that; I know I did not do as much as some other druggists.

Q. Some twenty or thirty sales a day? A. Very likely I did.

Q. If I understand you, those stores in — opened largely for the liquor business? A. That is my impression.

Q. Now I want the cause of that; you swear under oath that your sales were from twenty to thirty a day; did you not then offer an inducement for other stores to come in and get part of your liquor business; were you not responsible for that? A. I don't believe I was.

Q. Do you think the one-dollar license ever contemplated twenty, thirty or forty sales a day? A. The question was never brought up in those days.

Q. I don't want you to lose sight of my point; now don't you think that by your conduct, making twenty to thirty sales a day, you encouraged others to open drug stores? A. Not willingly. I want to tell you in what shape this puts me; my case is a chronic one, I might say. A few years ago I bought land in — for \$—; after being married several years and paying rent, I built this house, which cost me \$—. I am paying taxes on \$— in —, and if I cannot have the same privileges as my competitors, I think I am a ruined man.

Q. How much of your sales are liquor, do you think? A. About one-third.

Fourth.

Q. (By COUNSEL.) Now, Mr. —, I want to ask, is there more demand for liquors among the French than others? A. I don't know about other drug stores, but in my store they use it more.

Q. Perhaps you can tell us some of the purposes for which liquor is prescribed? A. I guess the gentlemen of the Board know as well as I.

Q. It is more especially prescribed by the French doctors? A. Yes, sir.

Q. If no license is issued to you, and consequently you cannot sell liquor, nor use it except for making medicinal compounds, would that affect your other business? A. Yes, sir.

Q. In what way? A. People who want herbs, and liquor to go with it, will go where they can get both.

Q. (By the BOARD.) What liquors do they usually want when they buy herbs? A. Gin, brandy or whiskey; very little whiskey.

Q. That is your experience as a druggist? A. They use gin, brandy and wines.

Q. For steeping the herbs, and such herbs as what? A. Ladies take gin and put gold thread in it.

Q. What do they use gin and gold thread for? A. Those who buy it know what it is used for; use it a good deal for cough.

Q. What are the medical properties of gold thread? A. Bitter stimulants.

Q. What other herbs do they use with gin or brandy? A. Wormwood.

Q. What do they use that for? A. For bitters.

Q. Is it for the gin they buy the herb, or the herb for the gin, in your judgment as a pharmacist? A. Oftentimes mix up half a pint of gin; use picra in gin.

Q. Is picra an herb? A. No, a bitter.

Q. Will you communicate to the Board what herbs you would be deprived of selling if you did not receive a license to sell liquor? A. Well, they use wine with quinine.

Q. Do you ever refuse anybody? A. Not on week days.

Q. Never refuse anybody? A. If he was all right, would not refuse.

Q. What if he was not all right? A. No, sir; I would not sell him.

Q. Do you record your sales of alcohol? A. No, sir.

Q. Do you register every sale of liquor? A. Yes, sir.

Q. Do you mean to say, under oath, you keep a record of every sale you make? A. Yes, sir.

Q. Your counsel has brought up the question about the liquor inspector of —; kindly state the interview you had with the license commission, when they called. A. I was not there.

Q. Have you ever heard, or did your clerk report to you, what they said? A. I was not there; the chairman said that I should come down to the office, and he told me to look out and register my sales.

Q. What else did he say to you at that time, besides exercising more care? A. That is all.

Q. And since then you have exercised more care? A. Yes, sir.

Q. You remember the time I called your attention to the fact that your certificate of registration was not in your store; why did you let it go to —? A. I had a part interest in that store.

Q. Was a license taken out on it? A. Yes, sir.

Q. You brought down your prescription book to show you have a large prescription business; are you paying a percentage on your business? A. Yes, sir.

Q. Now, Mr. —, do you not also grant some other courtesy to doctors besides paying a commission, let them have a little something when they come in very tired? A. Yes, sir.

Q. You would not object? A. He goes in and helps himself.

Q. How many times during the past three months has this been done? A. Could not tell you that; they go in the back shop, take a paper and read; I don't know what they are doing.

Q. Have the doctors not largely run that store as they wanted to? A. Yes, sir.

Q. (By COUNSEL.) I don't think Mr. — understands what you mean. Now, Mr. —, you don't mean to say that the doctors can come in your store and do as they please and help themselves? A. No, sir.

Q. (By the BOARD.) You state if the doctors come in and want liquor you would let them take it; have you been in the habit of letting doctors come in your store and drink liquors when they please, has anything of that kind been the case? A. No, sir; I mean simply to say that doctors once in a while want a little drop, and we give it to them, but that is very seldom.

Q. (By COUNSEL.) Mr. —, how did that certificate of registration, referred to by Mr. Whitney, happen to go to —? A. I was in company with a doctor; he is a brother-in-law, and he asked me to let him have it for a few months to get a liquor certificate with; I let him have it, then Mr. Whitney spoke to me about it, and I told him I would stop it right away.

[Witness for applicant examined by the Board.]

Q. You have a good deal to do with the French people? A. Yes, sir.

Q. Do you know anything of their habits in making whiskey out of alcohol? A. Yes, sir.

Q. Tell the Board about that? A. I only heard of a couple of them; that they are in the habit of using alcohol quite often.

Q. Was it alone, or with something else? A. Don't know how they use it.

Q. Don't you know they buy alcohol by the pint or quart, then put a little sugar and water in it, set it by, and take a sup when they go to bed at night, — don't you know that is the case? A. Some of them.

Fifth.

Q. (By COUNSEL.) Mr. —, your full name? A. —.

Q. Your business? A. One of the inspectors of police at

Q. What is your special duty? A. Look after violation of liquor business.

Q. How long have you been on the police force in —? A. Sixth day of March, 1872.

Q. How long have you had the special care of liquor cases? A. Since the last day of February, 1883.

Q. Do you know Mr. —? A. Yes, sir.

Q. Do you know where his place of business is? A. Yes, sir.

Q. Now, in the course of your duty, whether you have occasion to visit his store? A. Yes, sir.

Q. How often? A. There are two of us that are called inspectors of liquor, appointed the last of March, 1894.

Q. What is your custom of visiting drug stores in —? A. We visit them every week; take number of sales recorded on the books. We take turn about in making these visits.

Q. Is there any way for druggists to find out when you are coming? A. No, sir; we go around most any way.

Q. Now, what have you found when you visited Mr. —'s drug store? A. I found Mr. — there; examined his books; they were properly filled out, and his sales ran all the way from three to seven a week; the record we take is from Sunday morning to Saturday night.

Q. Whether or not there is a bar room anywhere near Mr. —'s store? A. Yes, sir.

Q. Whether or not there are two? A. Two now; have been three.

Q. Within how many feet, should you say, to the nearest one? A. Should say fifty, perhaps sixty feet.

Q. Have you ever, in visiting Mr. —'s place, seen any evidence of illegal drinking of liquor, or anything out of the way? A. Never have.

Q. What is the reputation of the place? A. Since he has been there in the building, have never heard a word against it.

Q. Have you been in there at all times? A. Morning, noon and night.

Q. (By the BOARD.) What evidence have you, besides your own observation, to satisfy the Board that seven sales were the extreme amount of sales a week in that store? A. By what I have taken.

Q. Do you mean to convey to this Board, under oath, it is your belief, as an officer of —, that his sales averaged only one a day?

A. Yes, sir; some days he made no sales.

Q. Do you mean to state, under oath, according to your best judgment, the sales of liquor have never exceeded one on an average per day? A. That is all I have ever seen.

Q. Have you ever had any reason to suspect Mr. — sold more than you found recorded? A. No, sir.

Q. (By COUNSEL.) Have you passed there time and time again without going into the store? A. I go that way very often, going to my meals.

[Another inspector testified; questioned by counsel.]

Q. When were you especially detailed for liquor inspector? A. Since May 17, 1890.

Q. You know the applicant? A. I do.

Q. Have you visited his place? A. Yes, sir.

Q. How often? A. On an average of once a week.

Q. Will you tell the Board, at any time, whether you called there or not, from your observation from the outside, what you saw? A. I always looked in when I went by, as I always do in all drug stores and licensed liquor stores, and in Mr. —'s never saw anything wrong; never any one hanging around there. I have looked his cellar over two or three times the last year, and found very small quantity of liquor; looked his liquor books over; some days he would not have any sale; some days two or three; the sales would run all the way from, as the other inspector said, about seven a week.

Q. Have you ever seen anything to satisfy you he did an illegal business there? A. No, sir; I have not.

Q. You have been there once a week on an average during the past year? A. About once a week.

Q. (By the BOARD.) How many drug stores in — have you charge of? A. There are two of us that are detailed for that business, and we have — wards; I take — one month and the next take the other —; the other inspector takes my wards.

Q. That is to say, once in two months, or six times in twelve, you visit the drug stores? A. We visit them fifty-two times a year.

Q. How many drug stores are there in —? A. In the neighborhood of sixty.

Q. In your opinion, under oath, to the best of your knowledge and belief, how many of these sixty drug stores make an accurate entry of every sale they make? A. Well, I think all do with the exception of five or six.

Q. Then fifty-four out of the sixty you believe keep a correct record of all their sales? A. I do.

Q. How long does your testimony refer to, to what period, from now how far back? A. Back for a little over a year.

Q. Then since May, 1894, this statement you have sworn to holds good? A. Yes, sir; from the first of March, 1894, to May 20, 1895.

Q. You make the statement, and affirm it again, that you have already sworn to? A. Yes, sir; when I made that statement, I mean the licensed drug stores; there are some not licensed.

Q. Then you swear under oath, that, to the best of your knowledge and belief, Mr. — recorded every sale he made, and that at no time did they ever exceed seven per week? A. Yes, sir.

[Witness for applicant examined by counsel.]

Q. You are on police duty in —? A. Yes, sir.

Q. Whether or not your beat takes in Mr. —'s store? A. Yes, sir.

Q. How long have you been on that beat? A. A year.

Q. So far as you know, Mr. — has conducted his business in a thoroughly honorable and legitimate manner? A. Yes, sir.

Q. You never have seen any evidence of any kind to indicate he was doing an illegal business? A. Not to the best of my knowledge.

[Applicant examined by the Board.]

Q. Now, Mr. —, under your solemn oath and terror of perjury, are you willing to swear to this Board that your sales of liquor, of any and all kinds, have never exceeded an average of seven per week? A. Yes, sir.

Q. Are you willing to swear that they have not averaged more than one a day? A. Sometimes not any at all; possibly not one for two or three days.

Q. Do I understand you to say you are willing to swear you have not sold, that there has not been sold from your store, three hundred and sixty-five sales during one calendar year? A. Not to my knowledge; don't think so.

Q. Not by you or your assistants? A. No, sir.

Q. How much liquor do you buy at a time? A. Buy possibly a barrel.

Q. A barrel of whiskey? A. Yes, sir.

Q. How much alcohol? A. I used to buy a barrel when it was low.

Q. How much sherry wine? A. One-eighth.

Q. How much gin? A. One-eighth.

Q. About how much port wine? A. Same quantity.

Q. Do you buy the American gin too? A. The same quantity.

Q. How much? A. One-eighth of a cask.

Q. The imported too? A. Yes, sir.

Q. How many kinds of sherry wine? A. One.

Q. How many kinds of California wine? A. One.

Q. Do you buy these in twenty or forty gallon packages? A. Those in one-eighth.

Q. The one-eighth package is about twenty gallons? A. That is what they charge for.

Q. You buy forty-gallon cask of whiskey? A. Forty or forty-two.

Q. How much of that do you buy during the year? A. Possibly a couple of barrels.

Q. Do you do any manufacturing business? A. Make some remedies of my own.

Q. Not at wholesale? A. No, sir.

Q. Your liquors amount to about ten thousand to fifteen thousand dollars a year? A. About ten thousand dollars.

Q. And do you mean to say to this Board, with those purchases of liquor, you make less than one sale on an average per day? A. Yes, sir.

Q. What quantities do you sell when you sell liquor? A. About half a pint.

Q. Now, Mr. —, I have computed the number of one-half pints of liquor you swear you have purchased, and I make it 3,984; will you please tell the Board what became of the 3,600 or more half-pints, as you swear you sold only 365? A. I must have it on hand. [Counsel suggested it went to supply his other store.]

Q. When you closed your business under your license, what amount of liquor did you have on hand? A. A barrel, I guess, or more; I had a barrel of French brandy, some port and sherry wine.

Q. How long have you had that in your possession? A. I had Holland gin for over twelve months.

Q. How long did you have the brandy? A. I guess I got the last ten gallons three or four months ago.

Q. How much brandy did you have? A. Possibly might have ten gallons.

Q. About how much California brandy? A. Ten gallons.

Q. How much whiskey did you have? A. Nearly a barrel of it.

Q. How long have you had that barrel? A. Four or five months.

Q. And it is almost full now? A. Yes, sir.

Q. How much gin did you have? A. Possibly nearly one-eighth full yet.

Q. How long did you have that? A. Six or seven months.

Q. How much Holland gin did you have? A. Did not have very much; possibly five or six gallons, if anything.

Q. How long did you have that? A. Over twelve months.

Q. Then the bulk of your liquor is yet on hand? A. A good deal of it.

Q. Have you never, under any circumstances, sold liquor by the glass? A. No, sir.

Q. Don't you suppose I could whisper in your ear a man's name you sold to? A. No, sir.

Q. Can you not think of some man who was in the habit of going into your store and getting liquor by the glass? A. No, sir.

Q. That you state under oath? A. Yes, sir.

The day after the hearing in this case the agent of this Board visited the above drug store, examined his books, and found *thirteen* sales recorded in one day; the proprietor produced only one book, and said, "I have burned all the rest up." "While there, a man well known to me, Mr. —, the person referred to in the last two questions above, came in as usual and walked into the back room. Upon calling the proprietor's attention to his testimony in regard to selling or giving away liquor by the glass, in the presence of Mr. —, the proprietor looked worried. Mr. — the visitor, followed me out and said, 'I do hate a — — liar.'"

The agent did not succeed in finding more than 700 half-pints on hand, leaving nearly 3,000 to be accounted for.

This report is duly signed.

All testimony taken at the hearings is under oath. The charges or complaints on file against the applicants are read or clearly indicated, but the Board reserves the right to withhold the name of complainant, if it has been made confidentially. Communications made to the Board without signatures, or from an unknown source, or "it is said," are not accepted as of any value.

Several applicants for a hearing, five or more, where rather

lofty demands had been made, failed to appear, and from our records we are forced to the conclusion that the noisy, heroic, voluminous letters and petitions were merely an attempt to overawe or subjugate; pardonable, perhaps, because they had not a personal acquaintance with the temper of the Board.

Twelve applications for a hearing were refused, as no possible change could be made, the facts exhibited by our records, the complaints and objection so decided, that it was, in the opinion of the Board, needless expense to the State and the applicant.

Three certificates were granted, but positive complaints were received later and notice was sent the applicants and licensing boards, thus preventing the issuing of the liquor license.

Four applications have been withdrawn, to avoid probable refusal.

Two certificates have been surrendered for cause and cancelled, revoking the license issued.

It would be impossible to convey a correct idea of the varied personal and official influence, pleadings, threats and abuse which have been persistently and industriously urged to secure the dollar license; but the Board, while endeavoring to be civil and courteous, have in every case tried to base the action upon *facts alone*, and with few exceptions the Board has been unanimous in its decisions.

So careful has the Board been to avoid a wrong or injury, that, in several cases where petitions, letters and personal effort seemed to indicate injustice, three and four reconsiderations have been accorded; but the repeated investigations, in nearly every case, resulted in reaffirming previous action.

With every certificate issued the following circular has been enclosed:—

COMMONWEALTH OF MASSACHUSETTS,
BOARD OF REGISTRATION IN PHARMACY,
BOSTON, March 8, 1895.

To the Registered Pharmacists of Massachusetts.

GENTLEMEN:—Special attention is called to the law regulating the sale of intoxicating liquors, *of any kind*, by registered pharmacists under a sixth-class license (see chapter 481, Acts of 1887), which provides that sales shall be made *only* upon the certificate

of the purchaser, and that a book of record shall be kept of the kind, quantity, the price of said liquor, the purpose for which sold and the residence by street and number of the purchaser, who shall also sign his name in said book, as a part of the entry. Complaints are made to this office that the law is disregarded and violated, that in many instances no record of sales is kept, that entries are incomplete and that the books of record are often destroyed, thereby defeating, whether wilfully or otherwise, the purpose and intent of the law, which requires their preservation, and that they shall be at *all times* open to the inspection of proper officers. (See section 4 of said act.)

Inasmuch as the Legislature has imposed upon this Board a public duty, viz., to exercise our judgment as to whether applicants otherwise entitled are proper persons to be entrusted with a sixth-class license, and furthermore, *that the public good will be promoted thereby* (see chapter 435 of the Acts of 1894), we feel justified in calling your attention to the laws referred to. A prompt obedience to all laws relating to the sale of liquors by pharmacists will have an important bearing upon the future granting of certificates, which are valid but for one year, and will aid the Board in determining whether the applicant is a proper person to receive annually such a license.

Your hearty co-operation in the execution and enforcement of the requirements of the law is desired and confidently expected.

H. M. WHITNEY,
F. H. BUTLER,
JOHN A. RICE,
AMOS K. TILDEN,
JOHN LARRABEE,

Board of Registration in Pharmacy.

In ten or more cases where partial complaints have been made, investigation requested and certificates granted, a personal letter has been sent, stating the fact of complaint, with suggestion to avoid an appearance of wrong.

Our correspondence with boards of license commissions, city marshals, chiefs of police, mayors, aldermen, selectmen and other officials has been frequent, and in most cases very satisfactory and of mutual service. In one case, where the chief of police called to say a kind word for an applicant, when shown our record, made from our agent's personal investigation, he said, "You know and have seen more than I, and there is not another word to be said; I am satisfied

that your action is right," and later wrote us: "I shall act on your suggestion as regards advice to the applicant. Regarding any support I have rendered your commission, I have in so doing recognized the fact that through you the *rum-shop* druggist can be broken up, and I am only too glad to avail myself of the opportunity offered by you; and I believe if we all pull together it will result in cleaning out the *rum* druggist and placing the legitimate druggist in the position that he is entitled to hold."

A distinguished and well-known State official writes: "Your honorable Board are doing a great work for temperance and obedience to law; I honor you for it, and whenever or wherever I have the opportunity you will have my hearty support."

The following letters fairly represent the views of the Board, and serve to convey our understanding of the law, the position taken and the principles guiding our action:—

[A.]

BOSTON, Jan. 15, 1895.

MY DEAR SIR:—Agreeable to your request and my promise, I write you regarding the hearing on January 8, accorded to Mr. — of the firm of — of your city.

The Board desire me to express to you their appreciation and grateful recognition of your courtesy and kind consideration of our position, your readiness to waive technical points and aid us in getting at the simple facts. One very important fact was developed at the hearing, and submitted as a reason why an injustice was done Mr. — in refusing him a liquor certificate; viz., "That it was generally understood, and so ruled by the courts in that section of the State, that there was no limit to the number of sales of liquor under a sixth-class license, provided the purchaser signed the book containing the record of sales." It was in evidence under oath that —'s sales of liquor in 1892 averaged fifty or sixty every day, and on holidays probably more, not because there was more sickness, but more call. It also appeared this amount or number of sales, fifty to sixty or more per day, was the general average of all the druggists of —, excepting two, viz., — and —.

When your client, Mr. —, testified under oath substantially admitting the above, and computing the amount of money received from his sale of liquors, exhibiting as it did the major part in

amount of his daily sales, you will remember the astonishment expressed by the Board, and the difficulty they plainly exhibited in comprehending the elasticity and liberal interpretation of the rights and privileges of a sixth-class or one-dollar license, accorded by the authorities in your section of the State.

It is not of course the province of this Board to criticise or perhaps even allude to the action of any other board or officials, but it is important and only fair that this Board should plainly and clearly state its position in granting liquor certificates to obtain a sixth-class or one-dollar license as now required by law. By reference to chapter 209, Acts of 1885, you will notice, among other articles, the apothecary who sells arsenic, laudanum, tincture of belladonna, tincture of digitalis, tartar emetic, etc., shall keep a record of such sale, the name and residence of the person or persons to whom it was delivered; whoever fails to do this may be punished by a fine of fifty dollars. It seems to this Board that the sixth-class license to druggists for the nominal sum of one dollar implied the exercise of as much care, caution, discretion and good judgment in the sale of liquors as was expected and required in the sale of other medicines that *may be improperly used*. That it was the intention and purpose of the Legislature that the sales of liquor by druggists should be at least as carefully guarded as the sales of poisons and other drugs, the use of which is sometimes abused, seems to this Board apparent from the fact of the additional requirement in the license act that "the purchaser shall also sign his name in said book as part of said entry." (See section 3, chapter 431, Acts of 1887.)

You will remember the statements made by every member of this Board, who have had twenty-five or more years of experience, that their sales of liquor did not exceed an average of three or five per day, that they did not feel or believe the druggists' license was ever intended to cover, under any conditions, ten daily sales. For a saloon business, saloon prices of one thousand to twenty-five hundred dollars should be paid. The one-dollar license was for the legitimate sale of liquors for medicinal, chemical and mechanical purposes only, and was so understood and accepted by all reputable druggists.

During the past few years the number of drug stores, so called, have multiplied amazingly, not for the purpose of conducting an honorable and legitimate pharmacy, but, under the cover and protection of a drug store, to keep and sell rum. It has been simply a fraud upon the license revenue, a shame and disgrace to the honest druggist. The Legislature, in its wisdom and sense of justice, at the close of the session of 1894 calls a halt to this con-

dition of things, and to our regret placed upon this Board the duty of enforcing a change by forbidding the issuing of a sixth-class or dollar license without a certificate from this Board that in our judgment "he is a proper person and the public good will be promoted."

Hard and disagreeable as this burden is, we propose to exercise our judgment fearlessly and faithfully, for our brief experience in the investigations accomplished during the past seven months conclusively establishes the fact that many law-abiding and reputable druggists have, as they feel, been forced, in self-defence, to accept a more liberal interpretation of the law. This Board feels and recognizes the outrage and shame as well as the demoralizing influence resulting from the late saloon keeper establishing so-called drug stores, and employing registered pharmacists, at good wages, in almost every city and town in the State. The Acts of 1893, chapter 472, were designed to correct this evil, and much good has been accomplished; but the Act of 1894 places in the hands of this Board the power of a veto upon the abominable fraud perpetrated, and, true to our oaths of office, we shall try to use this power in the interest of the people who demand it, and we trust in time to the elevating and restoring to its former dignity the responsible and honorable calling of a pharmacist, upon whom so many depend.

Most laws sometimes rebuke and punish one, no worse or as bad as others, and it can hardly be expected this law will prove an exception, and this Board mete out exact justice in every case. In fact, it is apparent, from the testimony at the hearing on January 8, that our action in granting several certificates was an error, and if the facts as sworn to exist and continue, there need be no assurance that those errors will be corrected at the first opportunity. All certificates, whenever issued, expire the first day of May of the following year, excepting when granted for the fraction of a year between January and May. The fact that we have unwittingly or unwisely granted certificates that we should not have done (and if in our power would now revoke, if the statements made are facts) does not appear to this Board a sufficient reason nor do we feel you would ask us knowingly to commit another error. This Board have no hesitation in declaring that in their opinion the average sales that can honestly be made under the sixth-class or dollar license should rarely exceed an average of three and never an average of ten per day.

The action upon the application of Mr. — of the firm of —, recorded Dec. 27, 1894, must stand.

By order and approval of the Board,

(Signed) H. M. WHITNEY, *President*.

P. S. As you desired this letter for publication, I trust you will not permit any names to appear, and assure you, if published from this office, we shall surely withhold names of persons and city. Believing that you must and do approve of our action, with personal regards,

Yours very truly,

(Signed) H. M. WHITNEY.

[B.]

Boston, Feb. 13, 1895.

DEAR SIR:—Yours of February 12 received. As I read the letter, you are living in great anxiety to know the future as regards the chances of your securing a liquor certificate from this Board, that you may properly apply for a sixth-class liquor license before May 1, 1895. You claim to have an invalid wife and four children, that all you have is nine hundred dollars, and that is invested in the store with which you are connected, and in the name of charity and as a favor you ask this Board to let you know at this time the probabilities of your obtaining a sixth-class license next May.

In looking up the record you have made for the past two or three years, and our recent investigation of your present situation and connections, there surely seems good reason for your "great anxiety." It is not for me to say what the Board will do when your application comes before them, but, as you desire an answer to your letter, I will briefly give my individual opinion. The days for the use of a druggist's liquor license to run a saloon, or even to obtain anything like a living by the sale of rum, have passed; and any and every drug store that does and must depend upon the sales of liquor as the major part or even as a *necessary* portion of the revenue to sustain the store, had better abandon the drug business. The drug store can no longer be a cloak or protection for illegal or improper sales of liquor, so says the law as this Board interpret it; and, as now constituted, this Board understand and recognize the recent law to be a demand from the people of the Commonwealth that only drug stores of a reputable character, conducted by proper persons, and in a way to promote the public good, shall hereafter receive a sixth-class license, and not then if valid complaints are made. The Legislature has placed upon this Board the responsibility of passing upon the question of proper person and public good. This clearly means that those persons who by their acts have caused this law, who have been selling as much or more liquor than drugs, or any considerable quantity, and particularly as in your case, to be drank upon the premises, are

not proper persons, and a license to such persons will not promote the public good. This I understand to be the position taken by the Board. All applications will be received and duly recorded; the past and the present character and reputation of the person and location, when not found upon our records, will be carefully investigated, and great care taken to avoid an injustice to the applicant or a fraud upon this Board and the Commonwealth.

An alleged reformation and promise to reform as you make may be helpful; but, as it is a well-established fact that continued violations of the liquor laws are demoralizing to most persons, one or more years of absolute reform will undoubtedly have more influence than a promise under such conditions as this law finds you.

Yours truly,

(Signed) H. M. WHITNEY, *President*.

Notwithstanding the above letter, the party still persisted in demanding a liquor certificate, and a blank was sent him with the following letter. Two applications have been made this year, and both have been refused.

[C.]

Boston, Feb. 21, 1895.

DEAR SIR:—In response to yours of the 19th, I send herewith blank as desired. You again misinterpret my letter. This Board does not feel or believe a liquor license is a necessity for a drug store as an essential part of the resources of a pharmacy; and, if a drug store cannot exist without more sales than was contemplated by the sixth-class license, *strictly* for medicinal purposes and compounding, it would be wiser to close.

Yours,

(Signed) H. M. WHITNEY.

[D.]

Boston, Feb. 18, 1895.

DEAR SIR:—Yours of February 15 received. I have carefully looked over our previous correspondence, and, as I understand your letter of the 15th, owing to your eyes getting weak, you now propose to return to the drug business if you can be assured of a liquor certificate from this Board. The first question that will confront the Board is, that you make the liquor license a paramount question; this of itself is against you, as the liquor license in the future means simply an incidental and not a prime condition. 2. If

there is any business demanding good eyesight, it is the drug business. 3. Your long absence from the drug store has not been to your advantage as a pharmacist. I cannot tell you what the Board will do, should you send in an application, but my personal opinion is, I should stick to the dental office, and not attempt to monkey with a drug store again.

Yours, etc.,

(Signed) H. M. WHITNEY.

[E.]

Boston, May 6, 1895.

DEAR SIR: — At a meeting of this Board on the 6th inst. your petition, signed by many of the citizens of —, asking that you be granted a liquor certificate, was read and duly considered. Your petition says — has over seven thousand people of German parentage, and it is a necessity they should have a druggist who understands the German names of drugs.

In response, I am directed to say the granting or refusing of a liquor certificate carries with it no expression of opinion regarding the pharmaceutical knowledge or skill of the applicant; it does not in any way add to or take from the rights of a registered pharmacist to conduct his business as a registered pharmacist. The law does not permit the Board to issue the liquor certificate except certain conditions exist, and the Board can say the public good will be promoted by the granting of a sixth-class license. The sale of liquors by a pharmacist, like the sale of poisons, is regulated and controlled by special acts; but, as this Board understand, there is no act that prohibits the keeping in stock, for compounding or conducting the regular legitimate business of a pharmacy, such liquors and poisons as the business absolutely demands. It is also set forth in your petition that, as you speak German, it would be a benefit to the German people if you were granted a sixth-class license. In response to this point I am directed to say the Board have never before heard it intimated that any of the many nationalities now in this country had suffered or been inconvenienced in making known their need of intoxicating liquor for medicinal, chemical or mechanical purposes, and the Board cannot recognize as sound and valid any such suggestion. In all applications for liquor certificates made to the Board the questions of race, color, politics or religion have never been considered, and when advanced by an applicant or objector, the answer has invariably been: "We have nothing to do with these questions. An applicant may be white, black, Greek,

Hebrew or Gentile, that is none of our business ; we simply pass upon the question of a proper person and promoting the public good under the law." We should grant a liquor certificate to any person, provided he was a registered pharmacist in this State, in our opinion a proper person to be entrusted with a liquor license, and such license would promote the public good ; provided, also, there were no *valid complaints* against it.

In your case there was a complaint ; it was reported to us in writing that you are not a proper person to be entrusted with a sixth-class license ; that you have the reputation of selling or giving away liquors for purposes or uses other than provided for in a sixth-class license, and that there is probably an apparent reason to suspect an abuse of said license. This complaint, in connection with our records of you prior to as well as in your present location, was, in the opinion of the Board, sufficient reason for refusing your application for this year.

As you have made your refusal public by sending us the petition signed by so large a number of your nationality, we feel justified in giving to the citizens of your city a copy of our reply through the press.

Yours truly,

(Signed) H. M. WHITNEY, *President*.

Approved by all members of the Board.

(Signed) F. H. BUTLER, *Secretary*.

[F.]

Boston, Aug. 1, 1895.

GENTLEMEN : — Yours of July 27 was received this morning, and will be read to the Board at their next meeting, probably some time between the 15th and 30th. Your statement " we have formed our conclusions why you have taken the stand you have in our case," the several intimations that you have been the victim of malice or envy, indicating in your opinion or " conclusions " that the writer has not been free from bias or prejudice, and the request that we " look up your standing as druggists or as citizens," are carefully noted. It is impossible for me to control your conclusions or sources of information, but you may rest assured personal and special investigation and attention were given your case, and your reputation as druggists was excellent, but as grave and flagrant violators of the sixth-class liquor license the evidence from *many* and *varied* sources was most positive and beyond the possibility of a doubt.

Yours truly,

(Signed) H. M. WHITNEY, *President*.

In response to an "open letter" sent to the president by a very prominent official, threatening an appeal to Your Excellency, demanding the reasons of a refusal, and adding, "If you can see your way clear to grant Mr. — a druggist's license, no reply will be necessary; but if not, I propose to go to the bottom of the matter and learn the whys and wherefores of this business," the following letter was immediately mailed: —

[G.]

Boston, Aug. 16, 1895.

DEAR SIR:—Yours of the 15th inst. received, and contents carefully noted. This Board has not the slightest objection to your making an appeal to His Excellency the Governor, should you deem it best.

A very difficult duty is imposed upon this Board to say a man is a "proper person" and "the public good will be promoted" by having a sixth-class license. In the exercise of this duty we have sought to be exceedingly careful to avoid injustice to any one.

In case of —, his application was refused upon a complaint in writing to us that his store had the reputation of selling liquor not provided for in a sixth-class license, and that there was an apparent and probable reason to suspect an abuse of such a license.

Upon the request of Mr. —, a hearing was accorded to him May 15, 1895. It was quite a lengthy hearing, he appearing with counsel and several witnesses. On May 17 the complainant called and reaffirmed his facts as stated in his complaint. July 23 a verbal complaint was made, stating Mr. — was not the right man for a liquor certificate for either of his stores. This is from a party whose name we have, and who was in a position to be able to formulate a correct opinion.

In the duties placed upon this Board it would be strange indeed if we did not make some errors; but the Board fail to see, because errors have been made, why they should continue to make them if they have reason to fear the granting of a certificate would make an additional one.

Trusting this explanation will be satisfactory, or if you desire to have a personal interview, shall be glad to see you, I remain,

Yours truly,

(Signed) H. M. WHITNEY, *President.*

[H.]

BOSTON, March 18, 1896.

To the License Commission of —.

GENTLEMEN: — This Board are very anxious to weed out of your city those druggists who are *not* proper persons to be entrusted with a sixth-class liquor license, and the granting of which will not promote the public good. We specially desire your aid or the assistance of your chief of police, to compare with our record, as it is possible we have made or may make some mistakes without your assistance.

To make the labor light, we enclose a key by which a letter or several letters will convey your opinion if placed in connection with every name. Please return the key with your list.

Yours very truly,

(Signed) H. M. WHITNEY, *President*.

[I.]

BOSTON, April 9, 1896.

DEAR MADAM: — We are receiving many protests for our action in refusing a certificate to Mr. —. It is claimed by many of the best and most influential people of — that the offence for which Mr. — was made to suffer was caused by his clerk and regretted by Mr. — as much or more than by any one else. In fact, the unfortunate occurrence, we are told, aged Mr. — many years.

From all the facts presented to this Board by those who personally know Mr. — in and out of your town, we are led to the conclusion that the cause of good morals, law, order and temperance would be better served by granting a certificate than by continuing the refusal. It would, however, please this Board, and we believe would promote the work in which you are engaged, if you and Mr. — would withdraw your objection to Mr. —.

Awaiting your early reply, I remain,

Yours very truly,

(Signed) H. M. WHITNEY, *President*.

A similar letter was written to another complainant in above case. In response to the first letter the complaint was withdrawn. In response to the second letter a third and more serious complaint was received. This was followed by a personal and most thorough investigation by a member of

the Board, resulting in the absolute refusal of the application.

In this department of our work the Board have held thirty-five sessions for the purpose of passing upon applications for liquor certificates. Five of these sessions were long and exhaustive, adjournment being made at 10.30, 9.30, 10, 11.30 and 11.15 P.M.

Many of above sessions have been held outside of those called for this special work and during examination days, or work on Acts of 1893. This ought not to be, but the fear of overrunning the appropriation for this department seemed to make the long days a necessity and crowd the other departments. In every possible way we have tried to avoid delay in passing upon applications and keep the expenses at the lowest possible point.

We have card or key ratings of about eleven hundred stores, not including Boston nor many of the smaller towns. Another year we propose to largely increase this card rating. We have also several hundred (and daily increasing) ledger accounts or facts relating to raids, prosecutions, complaints, investigations, etc., of certain persons and places. The cards or key ratings and ledger accounts are changed as facts gathered or complaints received indicate a change for better or worse conditions.

During a portion of March, April and May the correspondence, personal applications for blanks, inquiries, explanations, information, sought by both applicants and complainants, proved to be more than the two persons in the office could properly handle, necessitating the assistance of the secretary of the Board many days.

In several cases where heroic efforts were made, social, political, mercantile and religious influences were brought to bear in favor of applicants as against the complaint, members of the Board have made personal visits and secured facts bearing upon the question of "proper person" and "public good." It is of course possible, if not probable, that we have made some errors in judgment, but from subsequent developments we feel a positive conviction that our errors have been largely, if not entirely, on the side of leniency. In some cases where certificates have been granted for 1895 and 1896

they will be refused for 1896 and 1897 ; and if it were in our power to revoke the certificates, and that revocation would cancel the license, it would be done at once.

That the work of this Board has the enthusiastic approval of the people we are assured from the encouraging remarks made. That we are denounced by some so-called pharmacists is true ; but the action of the Massachusetts State Pharmaceutical Association and the following resolution passed by the Boston Druggists' Association clearly indicate the opinion of honest, intelligent and reputable pharmacists of the State : —

Resolved, That this Association commends the fearless enforcement of the laws relating to sixth-class licenses inaugurated by the Massachusetts Board of Registration in Pharmacy, and respectfully petitions that the Boston Board of Police co-operate with said Massachusetts Board of Registration in Pharmacy in granting licenses to druggists in the city of Boston.

FINANCIAL STATEMENT FROM OCT. 1, 1894, TO OCT. 1, 1895.

Services and expenses of the Board, including daily attendance and records of the office and special duties of the president, telegraphing, telephoning and special trips,	\$3,221 17
Services and expenses of S. B. Harris,	932 87
Services of stenographer, Miss M. P. Bihler,	322 50
Services, clerical, Miss J. C. Butler,	10 00
Postage, printing, stationery, etc. (including typewriting machine),	427 08
Total,	<hr/> \$4,913 62

Vouchers in detail at Auditor's office.

Received for liquor certificates,	\$1,229 00
Returned to rejected applicants,	225 00
Paid to State treasurer,	1,004 00

This tenth annual report, covering the three departments of our work, is intended to convey as clear and comprehensive a statement of the duties and results as will be desired or read. The agent's report following is taken from his twelve monthly reports on file at the office.

We trust this presentation of facts will be carefully read, and, if appreciated as of service to the State, sustained by appropriate action.

Respectfully submitted,

H. M. WHITNEY, *President.*

F. H. BUTLER, *Secretary.*

JOHN LARRABEE.

AMOS K. TILDEN.

JOHN A. RICE.

AGENT'S REPORT.

LOWELL, MASS., Oct. 1, 1895.

To the Board of Registration in Pharmacy.

GENTLEMEN:—I present herewith a statement of my labors in the enforcement of the pharmacy laws, noting places visited by me under your direction. I shall not attempt to furnish an accurate estimate of all the results accomplished. Many abuses have been corrected by the attention of the offenders being called thereto; many violations of the liquor law, beyond the province of the Board, have been reported to the local authorities, in many cases with most satisfactory results.

Under the Acts of 1893, making it the duty of the Board to suspend or revoke certificates of registration in pharmacy for cause, much difficulty has been encountered, owing to the fact that the law requires complaint to be made within fifteen days of the date of the act complained of in writing; but many times it has been impossible to present a formal complaint within the period of fifteen days, on account of no notice having been given the Board or their agent by the local authorities until after the expiration of said fifteen days; and that hinderance to the enforcement of the law should be amended by changing it from fifteen to sixty or ninety days.

DETAILED REPORT.

October, 1894.

Went to Fall River, investigated every drug store there with an inspector detailed by the chief of police; found one place doing a fourth-class liquor business under a sixth-class license granted to an apothecary in another section of the city. As you well know, this was a complicated case, and

brought about by political influence rather than by the attempt of fraud on the part of the saloon keeper or registered pharmacist. The certificate was suspended and the saloon keeper went to another State. Another store visited concluded to close, having no registered pharmacist. Caused complaint to be made in the police court, charging defendants with obtaining a sixth-class license to sell intoxicating liquors in the name of a deceased owner of a certificate, and also on a charge of keeping and maintaining a common liquor nuisance. Served notice on registered pharmacist to appear before the Board.

Visited the drug stores at Quincy, Randolph and Waltham. At the latter place found neglect in displaying certificate as required, which was corrected upon request. Also one store where the registered man was attending medical school and not in attendance at the store. He was directed to either close the store or have a registered pharmacist in charge; he at once employed a registered pharmacist. Made formal complaint against a registered pharmacist in Boston.

Visited the drug stores at Lawrence, Methuen and Andover. Found a license in Lawrence granted to a person who was not a registered pharmacist, and reported the case to the proper authorities.

Visited every drug store at Bradford and Haverhill, and found a much better condition of things than on my former visit, but not by any means in good condition. At one store found two men in the back room playing cards, with two glasses of whiskey partly drunk. This place was owned by an unregistered man who employed from time to time a registered pharmacist. At another place found a man who has pretended to own and supervise three other stores during the past year; at this store there was plenty of lager beer on ice, and evidence of being drunk on the premises. Also reported three other cases to which attention has been called and certificates suspended.

Visited Cambridge and found a better state of things than anticipated. One store no registered man in charge. Proprietor explained by saying his registered man left a short time since and he would obtain a new one immediately.

Also found in one store the certificate of a registered pharmacist while he was personally supervising a store in another city. Called the attention of the chief of police to the matter, who agreed to notify me if not corrected at once. Calling at the district court, I learned a charge of illegal keeping was made against —, but the fifteen days having expired I could not make complaint to the Board. This is the second time this man was convicted, and had it not been that the fifteen days had more than passed, which barred out the complaint, this man's certificate of registration would probably have been revoked.

Visited Brockton; inspected every pharmacy in the city. Found no visible violations of the pharmacy laws excepting in three cases. Found a former grocer and rum seller, who had served a term of imprisonment for violating the liquor law, running a drug store; his brother claimed to be the proprietor of the drug business, which is merely a cover, but there was no law under which I could act in the name of the Board; notified the police. At another store there was no certificate of registration displayed, the owner claiming to have lost it. Notified him he must conform with the law at once or close the store. At another place found a man, a plumber by trade, running a store without a certificate. Gave him the usual notice, and a few days later received a postal card saying he had secured a registered clerk who had gone to work that day.

Went to Everett and found no cause for complaint.

November.

Visited drug stores at Taunton and found them in fair condition with few exceptions. In one store saw the proprietor selling a pint of whiskey to a lad eleven years old. Called his attention to the violation of his license, and also notified the police. At another store found a bad reputation with all the ear-marks of a regular rum shop. At another place found a sixth-class license had been granted to a person who had been a non-resident for many years, and now a resident of Minnesota. Notified the chairman of license commission, and called his attention to the matter.

Investigated several complaints in Lowell, but found no visible evidence to warrant them.

Visited every drug store in Salem, Beverly and Peabody. Found four cases, to which your attention has been called and action taken. As there is no license in Salem, found the drug stores in Beverly were doing quite a liquor business, some new stores having started recently. You will notice by my report, or the card record, that in Beverly and Beverly Farms I found only four who seemed worthy of a sixth-class license; also four in Peabody.

Went to Lynn; found several making sales of alcohol to a considerable extent without making any record of the sales. (See report as by key.)

Investigated a case in Boston, and was satisfied there was no foundation for complaint; evidently a case of malice of a discharged clerk.

Investigated stores in Attleborough, North Attleborough, Mansfield and Foxborough. In these several towns found three or four cases, to which attention has been called and action taken.

Visited New Bedford; had a conference with the license commission, who seemed very anxious for aid in ridding the city of the bogus drug stores. Your attention has been called to five stores on the card report, clearly indicating that the "public good" will not be promoted by granting them licenses.

Visited Newton in company with the chief of police, riding through the several parts of Newton, including a drive of twenty miles. Found one store without a registered pharmacist; the store was immediately closed. This is one of the cities where not a single outsider was found lounging in the back room, owing to the vigilance of the chief of police.

Second visit to Lynn, which proved, with few exceptions, that the druggists were doing fairly well. Cautioned them in regard to sale of alcohol.

Second visit to Taunton. Was accompanied by the secretary of the Board as witness in the superior court in cases from Fall River.

Third visit to Taunton on same matter. There were several cases on trial for keeping a common liquor nuisance,

and the jury brought verdicts of "not guilty." The judge remarked he thought cases of this kind had better go over to the next term to obtain a different set of jurors, and the district attorney said, "I am glad I am not a resident of Bristol County." The judge replied, "I think you are to be congratulated." At the superior court, where I was a witness, on a charge of keeping and exposing drugs, medicines and poisons a fine of twenty-five dollars was imposed; on charge of keeping a liquor nuisance, a fine of fifty dollars.

A party in Waltham was found guilty of violating the liquor law, having been refused a license by the board of aldermen last spring.

Visited Somerville, the chief of police detailing an officer to accompany me in my investigation. Found one store had failed and closed up. At another found three men behind the prescription desk with glasses containing small quantity of whiskey.

Went to Clinton. Found an unregistered man running a drug store. The place was raided and I was summoned as a witness at the time of trial.

Went to Northborough and Marlborough. At the latter place found a store without a registered pharmacist and it was at once closed. This was the store where we have had so much trouble and in which the officials seemed interested. After several interviews with the officials regarding this matter was successful in closing the store again and for the third time.

Visited Boston; investigated a complaint. Found there were some irregularities, but they were at once corrected.

Visited Roslindale to investigate a complaint. Found the store was being run without a registered pharmacist. Inquiry developed the fact that a new man would be there on the following day at four o'clock, and notice would be sent to the president of the Board.

December.

Went to Clinton as a witness. Party referred to in the November report was convicted and ordered to pay a fine of two hundred and fifty dollars.

Visited Chelsea. Proprietor of one store was attending

medical school, leaving his store in charge of an unregistered man; he promised to correct immediately. One store recently raided has been closed and the party left town.

Visited every pharmacy at Ashland, Hopkinton, Milford, Franklin, Medway, West Medway, Holliston and South Framingham. Found several bad cases, which have been reported to you and rated by key. One store was notified that they must close at once; the proprietor promised to pack up the drugs and medicines or get a registered pharmacist immediately. At one of the stores, upon my entering the premises and going to the back room, the clerk made a rush and covered up a lot of lager beer bottles, some full, some partly full and some empty. Also at the sink where he took the bottles from there were eight glasses, some containing lager beer, some whiskey; all had small quantities of lager or whiskey in them. Upon calling attention of the proprietor to the activity of the clerk upon the entrance of a stranger, his reply was, "You will find this a peculiar town; there is scarcely a market or grocery store that does not keep lager beer." On this trip I found several violations of the pharmacy laws, and noted result upon the key report.

Went to Brookline, Dedham and Hyde Park; visited all the drug stores; found them in fairly good condition.

Visited Groveland, Merrimac and Amesbury, record of which you will find on the key report. No specially bad cases.

Upon request I again went to New Bedford, visited every drug store, and in company with the chief of police made up complete card key. Found one store running under a certificate of a pharmacist residing in the State of Maine, neither of the proprietors or real owners being registered. Ordered the store closed and not opened until they had the supervision of a registered pharmacist. They concluded to take chances, but were soon raided by the police at my request, and as a result one of the partners was sent to the house of correction, thereby closing the store. The other partner opened a new store in another part of the city. My attention being called to the fact, I visited the store, giving the result of my observation to the chief of police; the following Sunday the store was raided; the officers found the clerk

intoxicated ; he was arrested and convicted on the following day. The proprietor escaped for the time being and was found dead the next day in his shop. Later the original proprietor, who had served his time, after the expiration of his sentence removed the stock to another store, shortly after which a fire consumed the building and stock. The certificate of the registered pharmacist employed, on his second offence, was revoked altogether, as will be seen by the records. One other store, doing a vile business, was closed. Found another store without a registered man, proprietor owning two stores. Notified him to either close the store or secure a registered man immediately. Another store where we have had previous trouble with the proprietor has sold out to other parties, the original party having given up the business. There were several other cases, to which your attention has been called and full ratings given on the card key.

Visited every drug store in Medford and Revere. Found nothing very serious. (Ratings on card key.)

Visited Weymouth, North, East and South, Braintree, South Braintree and Holbrook. No complaints excepting in one case.

Visited Milton, East Milton, Watertown, Concord, Concord Junction and Maynard. Apparently all right.

Went to Ipswich, Hamilton, Wenham, Danvers and Topsfield. On this trip found one store which was a branch of a store in Salem where the selectmen had granted a license which was later revoked, and recently the stock and building destroyed by fire.

Visited Marblehead, Saugus, East Saugus and Cliftondale. Found one very bad case where there were railroad bottles of whiskey and rum and alcohol put up. Upon inquiry was told by the clerk they were not for sale ; that the proprietor kept them for his own use.

Visited Plymouth, Kingston, Scituate, Hingham and Cohasset. Apparently all right.

Went to Bridgewater, Middleborough, Abington, North Abington, Whitman and Rockland. Found only one case of importance, where a first-class drug store had become a low grog shop. The proprietor had been prosecuted and

ordered to appear before the court the following day. The clerk was obliged to look for a more reputable position.

Second visit to Brockton. Found the store previously mentioned, owned by the plumber, under the supervision of a registered pharmacist.

Investigated two drug stores at Hudson and Marlborough. In one store its rear connection with a billiard saloon indicated probabilities of an illegal business. At another store the young man in charge, a registered pharmacist, was cautioned about the risk he was assuming regarding his certificate of registration. The store warned at my previous visit had failed to comply with the law and was closed up at once, the proprietor saying it would not again be opened until he had procured a registered clerk. The officials mentioned in my former report, who apparently were in sympathy with one of the stores, had changed their tactics, and there was a decidedly marked improvement in the drug business at Marlborough.

Investigated complaint in Chelsea; it was a clear case of keeping and exposing drugs, medicines and poisons contrary to law in every particular; the proprietor agreed to abandon the drug business; the registered man in charge of this place, on account of illegal sale of liquor and raiding, promised to sever his connection for fear of the loss of his certificate of registration. The particulars of this case you have before you.

Went to Haverhill; investigated complaints against three different parties, all of whom were summoned to appear before you, and their certificates were suspended.

Visited Allston and Brighton. Found there were a few drug stores who were selling considerable lager beer, evidence of liquor being drunk on the premises and failure to register sales.

January, 1895.

Made four formal complaints to the Board. Went to Walpole, Blackstone, Milville and Uxbridge. Found two drug stores without registered pharmacists; the proprietors promised to correct the error at once. At one of the stores the proprietor endeavored to excuse himself for not having a registered clerk by saying that a physician came in and

supervised the prescription business. Two had abandoned the business. Found one store had a very bad reputation in regard to sales of liquor. Also found stores which had recently been raided.

Investigated complaint in Boston; found no registered man in charge, three having been employed within a short time, the last one having dropped dead in the store two days previous to my visit. This store had a bad reputation, and the complaint was not only for keeping and exposing drugs without a registered pharmacist but for illegal sales.

Upon receipt of telegram from the chief of police at Haverhill again visited that city. Found one store, proprietor not registered; the registered clerk, who admitted that lager beer was illegally sold, that the registration of the sales was improperly kept, that dice were shaken for drinks in the back room, said, "I am done working in this place; I will surrender my sixth-class license to the commission the first thing Monday morning." Found four persons, against whom complaint had previously been made to your Board, had surrendered their certificates to the license commission, as I had evidence of their selling intoxicating liquors illegally. Rendered card key report of over fifty cities and towns. Upon reported conduct of several parties, received instructions from President Whitney to make formal complaints against three persons.

Visited Marlborough as a witness in a case of seizure of intoxicating liquors; liquors were declared forfeited, the man found guilty of illegal sales and fined fifty dollars. Obtained evidence at another store where four men were found in the back room in the act of drinking whiskey, formal complaint of which has been made to your Board.

Was instructed by President Whitney to notify five parties complained of to appear before the Board on the 15th inst., to show cause why their certificates of registration should not be suspended or revoked altogether.

Investigated complaint against a party in East Boston; could not gain admittance to the store, but in looking through a back window saw three men stupidly drunk and could not rouse them. Had conference with the police and arranged for a raid to follow, at which I assisted.

Investigated complaint in the city of Lowell, charging party with being drunk at his drug store; formal complaint was made to the Board of this case, and before notice could be served the man had left the State. Visited another store at Lowell against which serious complaint had been made, and upon my remonstrating with the registered man he replied, "I am not to blame for what the proprietor does." I also called his attention to the trouble he had in two other cities, the warning he had received, and that he had now located in a worse place than either of the other stores, and stated that I would have to summon him before the Board of Pharmacy, which was done, and in view of the peculiar position his certificate was suspended for thirty days only. Later on this man, instead of profiting by the warning and lesson, continued in his work, and his certificate has since been revoked altogether.

Attended a hearing in the several complaints on file at the office and gave my testimony as required, and the actions taken are matters of record at the office.

Again visited Boston, to investigate a case of special complaint, and found a registered man in charge.

As directed by President Whitney, I visited a store in Revere. This store was protected by a registered pharmacist who was doing business in an adjoining town, the proprietor not being a registered pharmacist; found that only one prescription had been compounded during the last thirty-four days; the registered man was summoned to appear before your Board, and his certificate of registration was at once removed from the Revere store. The proprietor of this (Revere) store was summoned to appear in court, but owing to the apparent influence of counsel the charge was declared not sustained.

Visited Lawrence for conference with the license commission and the seizure officers in regard to certain stores, for the purpose of making formal complaint to the Board under the Acts of 1893.

Visited Beverly to investigate complaint made against a store recently started with the evident purpose of supplying the demand that was created by the "no-license" vote in the city of Salem, this store being so situated as to make it par-

ticularly easy to supply that demand, and having been refused a liquor certificate by this Board. Found sufficient evidence, and they were brought into court, and fined one hundred dollars and sentenced to three months in the house of correction. This is another case where the fifteen days' limit prevented our revoking the certificate of the registered man in charge.

February.

In company with the secretary of the Board, went to East Boston as complainant and witness. This was the case referred to in my January report. The judge ruled that "the pharmacy law was defective, as it did not state how much personal supervision a registered man is required to give in a store where the proprietor is unregistered."

Visited Woburn at request of the city marshal. Two druggists had been prosecuted in the police court for keeping a liquor nuisance, but again, as the fifteen days had expired, I could not bring the charges before your Board for revoking the certificate of registration.

Again visited Haverhill at the request of the city marshal; had a conference with the mayor, who took occasion to compliment the Board on the good work already done in his city. On careful investigation of the stores there seemed to be a very great improvement from the former condition, but still requiring close watching. On my return trip I learned at Lawrence from the liquor inspector that the cases appealed from the police court had been disposed of in the superior court at Salem.

Visited Salem to obtain copies of the convictions in the above Lawrence cases, to present with my formal complaint for revocation of certificates of registration.

Had a conference with the chief of police at Lynn, who expressed an honest desire to aid the Board in the work they were engaged in.

Called at the office, received further instructions from President Whitney in regard to the performance of my duties.

Sickness prevented my doing more work this month than above.

March.

At the police court in Lowell, where I appeared as a witness in a case of illegal selling, the party was convicted and fined one hundred dollars. Served notice of a hearing before the Board under the Acts of 1893.

Visited Lawrence to serve notice upon two parties whose cases had been disposed of in Salem to appear before this Board for violating the Acts of 1893; found the store closed and that the parties had left the State.

Visited Cambridge to investigate a serious complaint against several parties in that city. In one case the registered man left immediately. At another of the stores the proprietor, formerly a saloon keeper, who has given the Board and citizens of Cambridge a great deal of annoyance by his illegal sales of liquor, was not to be found; but his registered man, upon talking over the nature of the complaint, said, "I will quit this place right away; I don't want to take the chances of losing my certificate of registration; I have talked enough to Mr. — already." This place has since been closed and will not be reopened. Of the other store investigated there seemed to be a great variety of opinions, some claiming the store is conducted lawfully, others charging unlawful sales of intoxicating liquor. I was unable to obtain any positive evidence of illegal sales. Called the attention of this place to the police, and requested special watching. My personal opinion is that an illegal business is being done, but very quietly.

Visited Brockton, charge having been made against a store run by a grocer that a registered man from an adjoining town came over on Saturday nights with his certificate of registration and stayed until Monday morning, thereby keeping this rum drug store open on Sunday. This place has since been raided by the police, and notice was given that if the certificate of registration should appear again the police were to seize it and notify us. As a rule, the Brockton drug stores seem to be properly conducted, although no licenses are granted.

Again made a general tour of inspection of the drug stores in Lowell, also in Lynn, as requested by the president at

the last meeting of the Board, for considering applications for liquor certificates, there being several in both cities where grave doubts were expressed as to their being proper persons. I found no occasion to change the ratings as previously submitted, all being approved by the officials.

Attended court at Salem on a case charging a druggist with maintaining a liquor nuisance, the place having been raided on the previous Sunday, as a keg of whiskey was seen taken into the place by one of the *attachés*. On entering the room over the store the keg was found with the head knocked in, the whiskey having been turned out on the roof; on going outside they found a pail full of whiskey under one of the eave spouts. The registered pharmacist was notified to appear before the Board, and, as the record at the office will show, his certificate of registration was suspended for twelve months.

In a case previously referred to at Lowell it was proved that ten gallons of hard liquor were on hand and hundreds of half-pint railroad flasks; only one prescription had been put up at this place since February 9 last.

Again visited East Boston, to investigate a complaint. The proprietor was away and action necessarily deferred.

Went to Gloucester; found one store had been raided by the police and closed up; the proprietor had opened a saloon in New Hampshire, and it was later learned that the police there had closed the place up. While in Gloucester investigated several of the stores where liquor certificates had been refused, and am sorry to say the reputations have not improved. One store had been closed. At another, where a certificate was granted to a recent registered pharmacist, learned that an improper business had been done, in consequence of which a liquor certificate was refused this year. Two other stores since the loss of the liquor business have apparently found it hard to maintain their financial condition, and doubtless will soon close, one having recently paid a fine of one hundred dollars.

Investigated complaint in Boston; proprietor not registered, complaint setting forth that the registered pharmacist was absent an unreasonable time, and during his absence the store was not in charge of a registered man; found that

the registered pharmacist had Saturday afternoons to himself, and that during his absence no prescriptions were put up. As the proprietor was not to be found, I left word that some different arrangements must be made at once by which the store would not be left without a registered man in attendance.

Again went to Salem, to serve notice upon parties to appear before your Board.

Attended police court in Lowell, with Secretary Butler, as witnesses; the case was continued to a later date. Secured additional evidence against another drug store in Lowell.

Visited Needham and inspected all drug stores in that town; no cause for complaint.

Went to East Boston and found the absent proprietor, and after thorough investigation of the complaint arrived at the conclusion that, while there were reasonable grounds for the complaint, it was evidently made from malice.

Visited Gardner, Orange, Athol and Fitchburg. Found one case, as reported, with very bad reputation and undoubtedly selling large quantity of liquor. In another case, where the reputation far and near is that more liquor is sold than at any other drug store in that vicinity, found that appearances indicated a truthfulness of the rumor; he had only registered eight sales of liquor since Jan. 1, 1895.

At Fitchburg found three stores, as reported, that ought to be closed up at once. The most notorious one, mentioned in my former report, had recently been raided.

Inspected the drug stores at Arlington; reported the conditions found there to the office, and await further instructions.

At the adjourned cases in the police court in Lowell the defendants severally pleaded guilty of keeping and exposing, and were fined seventy-five dollars each. One case was defaulted, the man having left the State, which resulted in closing up another drug store in Lowell.

April.

Visited Pittsfield, Lee, Sheffield, Great Barrington, Lenox, Stockbridge and West Stockbridge, making special and most thorough investigations. The results were peculiar, differing from those usually found in other sections of the State. I refrain from commenting other than as reported by card key. At my attendance at the office at a session lasting until midnight, when applications for liquor certificates were considered, you will recall the result of my recent investigation.

Was again instructed to visit Fall River and look after two important cases there; also to go to Worcester and make formal complaint against a druggist recently raided in that city and to investigate several applicants for liquor certificates of Salem.

By special request visited every drug store on Shawmut Avenue, Boston; have made a detailed report of my observations. I found sales of alcohol not registered; found one store without a registered clerk; one whose license had been revoked in 1894; another, proprietor unregistered, a painter by trade; another store was in charge of a so-called doctor, who was stupidly drunk, and no sales of liquor of any kind had been recorded since February 16. Another man had been convicted and fined within two years for violating the liquor law.

Again visited Worcester, for the purpose of making formal complaint to the Board against a party recently raided; learned that men were found in large numbers in the back room drinking lager beer, which was seized; at a later date another seizure was made on this same store and between eight and nine cases of lager beer and hard liquors found, the proprietor being out on bail, and, as this second case was too much for him, he had left for parts unknown; his bondsmen have been asked to produce the man or pay the bond. In the other case the man was fined one hundred dollars and sentenced to three months in the house of correction. In another case forty-one cases of lager beer were seized and the party convicted in the police court, fined and imprisoned.

Visited Fall River, Webster, Southbridge, Boston and Salem. Inspected the drug stores on Dorchester Avenue, Boston. The liquor books were very improperly kept in nearly every case; in one only three sales were recorded in March, one in April; another, no sales recorded for ten days. The proprietor of one store occupies another in South Boston. This case has given the Board much trouble on account of their persistency in obtaining a liquor certificate, but, as you well know, it has been refused for both stores.

Again visited Fall River, to investigate five cases, as demands had been made for a hearing upon the refusal of liquor certificates. Found one out of the five who had evidently made a most decided change, stating, "From this time out there shall never be any cause on my part for complaint to the Board of Pharmacy." In the other cases the object evidently is to obtain a certificate to sell liquor, regardless of the law, as at one place I found two persons drinking whiskey at the counter, and reported the fact to the police. It is the general opinion that the Fall River druggists are doing better as a whole.

Visited Worcester, Oxford, Webster and Southbridge. After a more thorough inspection and investigation, could not find any occasion to change my previous record.

Visited Haverhill and Bradford, as two days previous one drug store had been raided and the party convicted for violation of the liquor law; this place had previously been raided several times. The other cases, where applications had been made for liquor certificates, could not find occasion to change my previous record, and in one case learned that the proprietor had been prosecuted in another town and ran away.

Went to Charlestown and inspected every drug store on Bunker Hill and Elm streets; learned an unregistered man was in the habit of compounding prescriptions in the absence of the proprietor; that the wife of the proprietor, two years ago, was convicted of an illegal sale of liquor on Sunday; there was plenty of lager beer on hand; book badly kept.

Also visited Blue Hill Avenue, Boston; investigated every

drug store on said avenue ; also South Boston. At one store found a gang of young men sitting at a table wet with liquor ; record badly kept. At another store no record of liquor sales to be found, proprietor saying, "I burned up all my record books yesterday." At another store no record of liquor sales made for the last twenty-five days ; book badly kept otherwise. At another store, where the proprietor was convicted for violating the liquor law, only eight sales were recorded during the month of April.

Went to Clinton. Found it exceedingly difficult to distinguish any difference, by public or private investigation, of the stores in this town, all having evidently been selling very much more liquor than provided for in a sixth-class license ; but there is an apparent determination on the part of the officials that this state of things shall not continue.

Visited Westborough ; at one store, which has a bad reputation, found no registered man in charge, nor had there been one for months ; men were found lounging in the back room, and upon my entrance left at the back door after some hustling at the sink. I have no doubt but that quite a liquor business is carried on in this place, and would continue if no one interfered. As a result of my visit, it was closed with the understanding that if it was again opened without a registered man prosecution would follow. The store was locked up, and the chief of police promised to keep me posted in regard to the matter.

Went to Lynn and investigated cases where applications had been made for liquor certificates ; results of this investigation I have reported to the Board in detail.

Again visited Lynn, for the purpose of procuring from the clerk of the police court record of convictions of druggists in July, 1894, who were applicants also for liquor certificates before your Board.

Also went to Salem, to investigate the reputation of a firm who are proprietors or connected with five stores. The general impression seems to be that, license or no license, more or less liquor is sold by these parties at their several stores, which are looked upon with a great deal of suspicion.

Facts gathered in reference to applicants or appellants from your decision I have presented at the hearing when accorded.

Obtained from the police court in Lowell a copy of the conviction of a person previously refused a liquor certificate. Also visited his drug store and found an unusual amount of liquor on hand, and obstructions in every window to the view of the business transacted inside. Investigated a complaint against a party on — Street, to secure evidence for a hearing accorded by your Board. At another store found a registered man who had previously been employed in two rum drug stores; in one of the stores the police had seized forty-one cases of lager beer; at the store in Lowell the proprietor had just paid a fine of one hundred and fifty dollars. The certificate of registration giving life to this store has been suspended for twelve months.

May.

At special request, investigated ten places seeking liquor certificates in Boston and made report.

In Lowell secured evidence sufficient to close two stores, as reported.

Visited Salem and Boston; investigated charges made against five places. (See special report.)

Agreeable to specific orders, went to Williamsburg and West Warren; found strange and unusual conditions. (For particulars see special report in applicant's envelope.)

Four complaints received from Worcester from the office of the chief of police; was instructed by the president to investigate; three had not received liquor certificates, and shortly after my visit closed their doors.

Went to —, making most exhaustive investigation, and found, as it seemed to me, a very determined effort to have the applicant receive a liquor certificate. I could not learn of facts to warrant my reporting against the applicant, but as several upon whom I called preferred to write directly to the Board, I left four investigating circulars. As you know, when received the facts stated were so direct and positive that the certificate was refused.

Closed the duties of this month by a visit to Great Barrington, Pittsfield, Spencer, Littleton and Lowell, detailed reports of which you have on file.

June.

Received orders to investigate a complaint in the city of — for violation of the Sunday law in excessive sales of liquor. Upon visiting the place on the following Sunday, as instructed, I found eight illegal sales had been made that morning; the result in this case was the surrender of the liquor certificate and the revocation of the license.

Visited some of the suburbs of Boston, making special investigations as requested.

Went to Spencer; again visited the place referred to in my May report; found various kinds of liquors on hand and several loafers in the back room; reported to the proper authorities, notifying them, if successful in conviction, to report to the Board, when the certificate of registration would be revoked.

Went to Marlborough; found several places there demanding action of the Board. Complaints were made of three cases, action upon which is a matter of record at the office. A decided improvement over the former condition exists at the present time.

Again visited Worcester; conditions were such as to require formal complaint to be made against a so-called druggist whose certificate has recently been revoked altogether and the store closed.

Made formal complaint against two parties in Lowell; one certificate has been revoked altogether and the other suspended.

Again went to Worcester by request, in company with a police officer, inspecting several questionable drug stores; at one found the proprietor in such a condition that he was immediately arrested and locked up, being thoroughly intoxicated; learned that he has periodical drunks. Would suggest that some amendment be made to the pharmacy law, by which an habitual drunkard should be debarred from conducting the drug business.

Visited Haverhill, Lowell and Malden. Have made four formal complaints, which will receive your attention as soon as notices can be served on the parties complained of. Full report of particulars of the last visitation you have on file.

July.

Went to Spencer to investigate a complaint made against a person who had been prosecuted by the Law and Order League. Also went to Monchaug; made formal complaint under the Acts of 1893 to the Board in the Spencer case; notice to appear before your Board will be served if the superior court affirms the action of the police court. The other store was in bad shape, but I did not secure sufficient evidence.

Visited Randolph in response to instructions from the Board; complaint having been made to them against one pharmacy; found the proprietor was in Dedham jail; the man in charge was not registered, and every indication of liquor selling; the store was closed.

Went to Nantasket Beach to look after the proprietor (a Mr. —, who has given us much trouble), an unregistered man, who told the president of the Board he could afford to pay five hundred dollars for a license. I found a registered man in charge, Mr. —, of a decidedly bad record at the office. I notified the police authorities, giving them the persons' history; they promised watchful care and notice of any raid or prosecution.

Visited Turner's Falls, Greenfield, Holyoke and Westfield. My report in detail of this trip you have on file. At Holyoke the conditions existing were so flagrant that the attention of the license commission was called to the facts, and I was requested by them to be present at a hearing they would soon call. While on this trip learned of a violation in Amherst, but did not at this time investigate.

By special request went to Manchester-by-the-Sea; a new store is being opened, apparently for liquor sales mainly.

August.

Visited Fall River in company with liquor inspector; went to every drug store; since my last visit found seven had been closed, making a decided improvement in the conduct of the drug stores in that city. Many citizens remarked to me in this language, "The Board of Pharmacy have done good work in this city."

Went to New Bedford, made a general inspection; found two stores had been closed since my last visit. Found a new store opened by a quack doctor, not registered, and no registered man in charge. The proprietor was sick and his son in attendance at the store. I notified him that they must close at once or remove all drugs and medicines. At another store, where a liquor certificate had been refused but later granted through extraordinary influences brought to bear upon the Board, learned from outside sources that there was considerable lager beer sold on the premises; I made special investigation and found plenty of lager beer packed on the ice; upon calling the clerk's attention to the refrigerator and beer, he said, "It is put on the ice until it gets stale and then is thrown out." I suggested to him that if he was going to tell a lie he had better tell a reasonable one; he replied, "We sell it only on physicians' prescriptions." Then I examined his book and found no entry of lager beer upon it; to this he said, "We are not required to register sales of lager." At this point the proprietor entered and was asked for an explanation of the lager beer; he stated (not knowing what his clerk had previously told me), "We keep lager beer in this store for the clerk and myself to drink." I then suggested that if they were going to make a proper explanation it would be better to compare notes, so they could tell the same story.

Visited Holyoke; after making a thorough canvass of the city I reported to the license commission seven cases of gross violations of the sixth-class license; later they were summoned to appear before the Board, and at the request of the commission I was present. All admitted the charges made against them, and some admitted more than they were charged with. I have since learned that these seven violators of the law were severely reprimanded and given further trial.

Made a formal complaint against two parties in Lowell for illegal keeping and exposing intoxicating liquors for sale.

Visited Chelsea, investigating a special complaint. Found the store had been raided and that the party had removed his certificate of registration, seeking thereby to avoid connection with the store. The case will come up in the court

at Chelsea; found in this store a certificate of a former clerk, who, owing to intoxication, had left the State. As his certificate was a duplicate, and there being a question in my mind as to it having been obtained by fraud, I took possession thereof and brought it to the office. This case will require special attention.

Went to Lawrence; visited every drug store there; found two cases of gross neglect in recording sales; reported the same to the license commission and the licenses were revoked, but notice of revocation was withheld, waiting opinion of city solicitor, who gave a written opinion that the license commission could not revoke the license until after conviction in court. I was summoned to appear, and conviction in court followed. (See page 75.) Several of the stores that were refused certificates by the Board are evidently striving to improve their record. Found another store, where a liquor certificate had been granted, where the proprietor has the reputation of drinking somewhat freely and his books were not up to standard. Found a store that was previously raided had reopened without a registered pharmacist; the store was immediately closed. Found one party, conducting two stores, was away at the beach and no registered man in charge of either store. This man has been refused a liquor certificate by this Board.

Reported at the office and received further instructions from the president.

Investigated a drug store at Jamaica Plain; the manner and conditions of this store have previously been reported to the Board. They remain the same.

Went to Milford; visited every drug store; at one store found plenty of lager beer, and learned that the proprietor has the reputation of selling freely. At another store found they were selling lager beer without recording; the proprietor, on calling his attention to the matter, said, "I will quit selling lager beer." At another store found that not one legal sale of liquor had been recorded since May 27; sells lager beer for family use. Called the attention of the chairman of selectmen and liquor inspector to the above facts.

Went to Lynn; made a general tour of inspection. Found the drug stores in better condition than formerly. At one

store found a liquor dealer proprietor who also keeps a liquor store in the same building; reported the same to the police officers.

Investigated three complaints in Boston; found same conditions as reported in my former report.

Visited Worcester; found the applicant for liquor certificate had been connected with a store where the proprietor was convicted for keeping and exposing intoxicating liquor for sale; the applicant was also formerly connected with another disreputable drug store in the same city. The store was formerly run by Mr. —, who felt the necessity of leaving the State; has gone into the hands of two gentlemen who have greatly improved the appearance and reputation of the store. Also investigated complaint against Mr. —, and found that he was discharged for intoxication. In my interview with the chief of police he said, "The Board have done good work in Worcester and will do still better next year."

Visited Salem; druggists are selling very little liquor this year. Two stores that we have previously had trouble with have been closed, the proprietors having gone into the liquor business pure and simple.

Visited Gloucester; conditions are much improved. One store has been closed. Mr. —, who has been twice refused a liquor certificate, last year and the present, and made many grievous complaints regarding the terrible affliction from which he has been suffering owing to the refusal of a liquor certificate, most cordially invited me to go to his camp at 11 o'clock; as it was then 1 o'clock, and his invitation was couched on a line indicating too free use of some intoxicants, I was more than satisfied the action of the Board was perfectly correct.

Visited Northampton to investigate the general complaints that the druggists were selling lager beer as a beverage; am sorry to say that they were largely true. Before leaving, however, every druggist promised me he would quit the lager beer business and would not have it on the premises.

September.

Again inspected all the drug stores in Lowell. Found — on — Street evidently doing a large liquor business, but not registering many sales, recording only two for the month of June. July 4 more sales of liquor were registered than all the rest of the year put together during the license year thus far. After July 4 only two more sales were registered during the remainder of that month. In August only four sales were registered. This store has succeeded in getting a bad reputation.

Visited Cambridge; found one store owned by —, proprietor not registered and no registered man; store closed at once. Notice will be sent the Board if again opened.

Investigated, as directed, the case of poisoning of little Mary A. Tansey through the incompetency of an unregistered clerk at No. —, Boston; after securing the facts I conferred with the attorney general's assistant, who decided that the law was defective, and that the Board of Pharmacy could not take any action in the matter.

Visited Woburn, Winchester and Medford; apparently all right excepting Mr. — at Woburn, where Sunday sales are made.

Went to Clinton. Owing to the very effective work of the Board, the city marshal stated that not a single complaint had been made.

Went to Worcester to learn facts regarding cases in Spencer prosecuted by Law and Order League; the evidence was given by two spotters; all were acquitted, and under the law the complaints on file for suspension or revocation must fall.

Visited Haverhill, Lawrence, Merrimac, Amesbury and Newburyport; full details in my monthly report.

Went to Somerville; no special complaints had been made to the marshal, but found two cases which will require close watching and special care.

Again at Lawrence as witness in two cases of conviction for liquor nuisances in police court, which were appealed.

Was called to Bradford; found complaint was not sound, as the sales of liquor were not made at the drug store of —.

Visited Oakdale, West Brighton and Amherst; full details in monthly report.

At Reading and Malden, Oak Grove, etc., one store, no registered man; promised to correct at once. Another, Mr. —, is trying to sell out.

In Lowell, proprietor not registered, fined one hundred dollars; assistant, fifty dollars; appealed.

At Canton I found a very interesting case, and have given details in monthly report and believe good results will follow my visit.

Went to Brockton; found an undertaker and machinist proprietors of a drug store, and had been for nearly two months without a registered man; the store was closed at once. Another store of bad reputation will be closely watched by the police.

Went to Hyde Park and Quincy. No complaints other than carelessness in registering sales of alcohol.

Visited Fitchburg; found two stores of very bad character; full particulars in my monthly report. An ex-policeman was acting as adviser and signal flyer.

Went to New Bedford to investigate special complaint. The complaint was well founded; full particulars of this and other cases are given in the detailed report. Two of these cases most emphatically prove that statements and efforts made by friends of the applicant often mislead and cover facts, causing some bad errors in granting liquor certificates.

RECAPITULATION.

Number of visits to cities and towns,	271
Number of drug stores inspected,	1,484
Number of criminal complaints made to local authorities,	44
Number of druggists complained of and convicted,	41
Amount of fines imposed,	\$3,925
Number in prison,	11
Number of months served,	33
Number of licenses revoked,	18
Number of complaints investigated,	262
Number of drug stores closed,	103
Number of formal complaints made to the Board,	31

In conclusion, I wish to bear testimony to the diligent, honest and unfaltering endeavors put forth by your honor-

able Board during the year just closed in the discharge of the duties connected with your office, which oftentimes became intricate and unpleasant to perform, but have been met and decided with no other motive in view than, as the servants of the people, that justice should be done without regard to politics, religion, race or color, rich or poor, "public good," "proper person" and qualification always receiving recognition, everything else being rejected, regardless of consequences.

To the police departments throughout the Commonwealth, who have joined hands with us and rendered valuable service in the enforcement of the pharmacy laws, I herewith extend my hearty and sincere thanks.

To the large majority of druggists in Massachusetts who have aided us by counsel and otherwise assisted us in the execution of the law I feel greatly indebted, feeling assured that where "there is union there is strength;" that during the past year pharmacy has taken a higher and more honorable position, and in due time the business will be freed from the elements which have heretofore disgraced an honorable profession.

Respectfully submitted,

S. B. HARRIS.



